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STATEMENT

ON BEHALF OF HISTORICAL TRUTH

MADE BY

PHILIPPE BUNAU-VARILLA

Former Chief Engineer of the Panama Canal Company (1885-1886),
Former Minister Plenipotentiary of Panama to the United States
(1903-1904), Officer of the Legion of Honour, etc., etc.

For the information of the Committee on Foreign
Affairs of the House of Representatives.
(Rainey Resolution.)

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PARIS, 29th of March, 1912.

THE HONORABLE CHAMP CLARK,
Speaker of the House of Representatives
etc. etc. etc.
Washington, D. C.

SIR :

The hearings before the Committee of Foreign Affairs on the Rainey resolution have brought forward a so called « Story of Panama » which has been printed as a congressional document and distributed.

This « story », outside of various imaginary and misleading facts enunciated by its author, is mainly based on the assertions of a plea written in 1907 in order to try without success to obtain, from a court of arbitration, a high fee of \$800,000 for services said to have been rendered to the New Panama Canal Company and which said company denied.

This plea is a tissue of erroneous and misleading assertions. The definition of its character is sufficiently given by him who wrote it when he says in it that the remuneration he asks is in part for having been « in « position to influence a considerable number of public « men in political life » through the relations at the same time « intimate and susceptible to be used to ad- « vantage » in which his firm pretends to have been placed « with men possessing influence and power. »

In this plea the House of Representatives is described as made powerless to vote a law which its majority

enthusiastically supports and desires to pass. In this plea the actions of statesmen of first rank as Secretary Hay and Senator Hanna are described as those of passive mechanisms commanded by a subtle and exterior mind.

The gigantic works of the Union of the Oceans begun for the Glory and Utility of Mankind by a French Company is going to reach its apotheosis thanks to the generous efforts of the People of the United States.

Will the story of its transmission from the French owners to the government of America be written in taking as its base an unfaithful document dictated by a sordid interest?

If this document was true there would be a deep veil of shame on the memories of great American citizens, which ought to be on the contrary worshipped as those of men inspired by the most lofty ideals and served by a powerful intelligence, as those of men who have filled one of the noble pages of the history of their country.

If this document was true it would show the legislative power of the United States to be at the disposal of mercenary influences, in questions of the highest gravity, and not, as it is, inspired by the sincere desire of serving the great interests of the nation to the best of its ability.

This question is infinitely above any division of parties, it concerns the honor of the United States, one might say the honor of all free nations having representative governments.

I have thought that this monument of deceit should not be left in the congressional documentation without

placing at its side another document demonstrating its untruthfulness, and thereby vindicating the honor of those who have been the real forces which have determined the adoption of the Panama route by the United States.

The United States have not to blush of the history of the adoption of the Panama canal, any more than France has to blush of the history of its conception and creation, if in both cases the history is written disinterestedly, sincerely and faithfully.

I know what terrible disorders have created in France fictitious stories about Panama because the necessary jet of light has not been thrown on their mendacity.

I have thought it to be my duty to prevent the dissemination of the offensive fictions inserted in the so called « Story of Panama » presented before a Committee of Congress and I have prepared for the Committee on Foreign Affairs of the House of Representatives a statement on behalf of historical truth. You will find it enclosed.

I allow myself, Mr. Speaker, to address it to this Committee through you as the head of the House of Representatives with the respectful request, if the Committee deems it justified, to insert it next to the « Story of Panama » in order to redress its misleading and deceitful errors.

Very respectfully,

P. BUNAU-VARILLA.

STATEMENT ON BEHALF OF HISTORICAL TRUTH

Made by

Philippe Bunau-Varilla

Former Chief Engineer of the Panama Canal Company (1885-1886).

Former Minister Plenipotentiary of Panama to the United States
(1903-1904), Officer of the Legion of Honour, etc., etc.

For the information of the Committee on Foreign Affairs of the House
of Representatives. (Rainey Resolution.)

In writing this statement I attach to it the same moral authority and legal responsibility as if it were made under oath.

The so-called « Story of Panama » as told in the hearings before the Committee on Foreign Affairs of the House of Representatives by Mr. Henry H. Hall is a fiction. This fiction is composed of true facts and documents mixed with fabricated assertions and fanciful documents. It does not differ from similar productions so often read in the public press and due to imaginative journalism.

My purpose is to demonstrate this statement by documentary evidence. I think it is my duty to do it because said fiction has gained access to congressional documentation and should not be left there unexposed.

A STANDARD SAMPLE OF MR. HALL'S FABRICATED ASSERTIONS

Before going seriatim into the study of the elements of that imaginary story I may be allowed to exhibit a standard example of the methods employed for fabri-

cating it. I am selecting this sample because it is the only one of Mr. Hall's statements which has been widely reported by the press.

Mr. Hall (pages 414-415) : first reproduces a cablegram of the Secretary of State Mr. Hay to the American consul in Panama. It reads

“ Washington, November 5—1903

“ American Consul General Panama :

“ I send for your information and guidance in the
“ execution of the instructions cabled to you to-day the
“ text a telegram dispatched this day to the United
“ States minister at Bogota : “ The people of the Isth-
“ mus having by an apparently unanimous movement
• “ dissolved their political connection with the Repu-
“ blic of Colombia and resumed their independence....

.....
“ He (the President of the United States) holds that
“ he is bound not merely by treaty obligations but by
“ the interest of civilization, to see that the peaceable
“ traffic of the world across the Isthmus of Panama
“ shall not longer be disturbed by constant succession
“ of *unnecessary and wasteful civil wars.*

“ Hay ”

Then after giving two other cablegrams referring to the appointment of Philippe Bunau-Varilla as envoy extraordinary of Panama to Washington Mr. Hall says :

“ Now I think there is a good place to point out a
“ remarkable coincidence. We have the State Depart-
“ ment telegraphing to its agent in Bogota on the 6th

« of November this dispatch beginning : « The people
« of Panama having by an apparently « unanimous
« consent », and ending « constant succession of *unne-
cessary and wasteful civil wars.* » The same day
« or rather the NEXT morning not from Washington
« but in New York Mr. Philippe Bunau-Varilla wrote
« to the State Department announcing that he was
« appointed as minister plenipotentiary of the Repu-
« blic of Panama to the United States and his letter
« reads :

“ New York, November, 7, 1903.

“ His Excellency John Hay,
“ Secretary of State, Washington.

“ I have the privilege and honor of notifying you that.
“ It (the United States) has rescued it
“ (Panama) from the barbarism of *unnecessary and
wasteful civil wars* to consecrate it to the destiny assi-
“ gned to it by Providence, the service of humanity and
“ the progress of civilization.

“ Philippe Bunau-Varilla. »

“ There you have Bunau-Varilla using the very words
“ *unnecessary and wasteful civil wars* used a FEW HOURS
“ previously by Secretary Hay in his dispatch to the
“ American minister at Bogota and the coincidence is
“ almost as remarkable as... etc. »

On page 419 Mr. Hall comes back on the same point
and says :

“ You will recall how in that communication to the
“ State Department Bunau-Varilla made use of the

« same words *unnecessary and wasteful civil wars*
« which Mr. Hay also made use of in a **CONFIDENTIAL**
« **DISPATCH** to the American minister in Bogota. »

In a few words Mr. Hall thus demonstrates to his own satisfaction that the same hand has traced the Secretary of State's *confidential dispatch* and the Panama minister's notification. Therefore according to Mr. Hall Mr. Bunau-Varilla is a puppet of straw handled by the American government.

Who would doubt such obvious facts brought forth by a man who describes himself as a man who « has employed whatsoever of ability he possesses » and « the experience gained in more than twenty years of active newspaper work »; who « has endeavored fairly and impartially to place the truth before the Committee on Foreign Affairs as he saw it in the documents gathered by the *World* »; as a man who « firmly believes that righteousness alone exalteth a nation»; as a man who thinks that «with nations even more than with individuals honesty is the best policy »; as a man who speaks in the name of « Truth, Justice and Honor. » (All quotations from page 471. « The Story of Panama.) (1)

Who would doubt the assertions on points of facts made by a man who insists « that he has really confined himself, as the Committee is aware, solely to documents and statements that could be substantiated. » (Page 461.)

¹Whenever I shall afterwards quote a page without further designation it must be understood that it is taken from «The Story of Panama.» Hearings on the Rainey Resolution before the Committee on Foreign Affairs of the House of Representatives January 26 to February 20, 1912.

Evidently nobody can refuse to give credence to such a proof brought forward by such a man.

However all what he asserts on this point is a fiction to say the least.

Even the almighty power of Truth, Justice and Honor cannot enable Mr. Hall to substantiate that a document, which he copies, on page 414 with the date November 5, 1903, has been made on the day just before another document of which he gives a copy bearing the date November 7. Even the combined efforts of Truth, Justice and Honor cannot make the miracle of placing the morning of the seventh on the day following the fifth of November. (See page 414 date of Mr. Hay's dispatch 5th of November and page 415 date of Mr. Bunau-Varilla's notification 7th of November.)

The three divinities above named even associated with the twenty years of journalism of Mr. Hall will also find it difficult to enable the writer of the « Story » to substantiate that a document is **CONFIDENTIAL** when it is published by all the newspapers of the United States on the day following its date and preceding that of the other document, which borrows an expression in the first one.

This is precisely the case of the message of Mr. Hay bearing the date of the 5th November and which Mr. Hall terms *confidential*. All the evening newspapers of New York published on the 6th Mr. Hay's dispatch ending by « unnecessary and wasteful civil wars. » All the morning newspapers of the seventh repeated it.

Now is it possible that the so many endeavors of Mr. Hall, all the ability he possesses, all the experience

he has gathered in twenty years' journalism should have resulted in allowing his imagination to fabricate simply a fiction?

It seems impossible but it is so.

The simple truth is that having read in the evening papers of the 6th of November, 1903, Mr. Hay's dispatch of the fifth I thought it courteous to employ his own expression « unnecessary and wasteful civil wars » in my communication of the day following. If it was *confidential* when I read it I was sharing the confidence with eighty million people.

This is a very correct sample of the method by which the « Story of Panama » has been fabricated.

It was not unnecessary to expose this method at the start. We shall find its consequences everywhere. When a fact does not please the writer of the « Story », it is either turned upside down or entirely replaced by another one. The substitute is furnished by imagination and solemnly presented as warranted by proofs and documents above the most severe suspicion.

Let us now turn to the base of the « Story », that is the plea for fees made by Mr. Cromwell before the Court of Arbitration. Let us examine its impartiality first, its veracity afterwards.

What is the *Impartiality of Mr. Cromwell's plea for fees?*

To judge this question it is necessary to know first for what kind of professional activities Mr. Cromwell demanded a high fee. Mr. Cromwell besides the legal profession practises another one. What is Mr. Crom-

well's profession? (outside of the legal one). He will himself answer the question in the plea for fees. On page 96 it reads :

“ In the course of a very active and very extended professional career . . . the firm Sullivan and Cromwell had found itself placed in intimate relations, *susceptible of being used to advantage* with men possessing influence and power . . . they (the members of the firm) have also come to know and be in a position to *influence a considerable number of public men in political life* . . . *It is not suggested that the REMUNERATION SHOULD BE BASED UPON THIS CONSIDERATION ALONE.* »

Any commentary seems perfectly superfluous. Whether this clear definition of the kind of activities for which the fees are asked is in harmony with the ethics of the legal profession in America it is not for me, but for the Bar Association of New York, to answer. But the question is not there. It was necessary to recall the clear definition given of Mr. Cromwell's profession by himself to understand that a plea for fees on account of such services cannot possibly be impartial.

Human nature tends always to exaggerate in man's mind the results of his efforts.

If the aim of the effort is to influence public men in political life, vanity only will lead any man to think that his influence has been greater than it really was. An active go-between will easily think he is the author of the messages he has to carry. But if he claims a fee for having exercised such influence the appetite for money adds itself to the appetite for vanity and the re-

sult is an extraordinary exaggeration of the facts presented by the claimant.

One might say that the more proper will be the methods by which the influence is exercised, the greater will be the exaggeration.

I think it is unnecessary to state that the great American citizens who had to treat this national question were infinitely above any improper consideration. Therefore, for both reasons above stated, the influence said to have been exercised over them was grossly and enormously exaggerated, if not entirely imagined by the man who wants a remuneration for it. It is the eternal story of the tail which sustains that it is wagging the dog.

A plea for fees written under these conditions of mind cannot be impartial.

It is, therefore, an unfit base for writing the story of any great event.

However, if not impartial, it could keep the relation of events within the boundaries of verity. Let us examine if it is the case.

WHAT IS THE VERACITY OF MR. CROMWELL'S PLEA FOR FEES?

Suspicions were raised in the Committee about a lack of veracity of Mr. Cromwell's assertions as exhibited by Mr. Hall in his presentation of extracts of the plea for fees.

On page 144 the following can be read :

“ M. Kendall : That is what Mr. Cromwell says in his report to these employers of his?

“ Mr. Hall : Yes, sir.

“ Mr. Kendall : He was trying to get his \$800,000 fee ?

“ Mr. Hall : We must presume he was telling the truth.

“ Mr. Kendall : His purpose was to convince them how difficult it had been for him to accomplish the results he did ?

“ Mr. Hall : I suppose so, sir.

It seems that contrary to Mr. Hall’s opinion in a plea for fees referring to an influence supposed to have been exercised over public men in political life the presumption is an exaggeration of that supposed influence, if not much more than exaggeration. Further on page 291, the same doubt is raised about the veracity of Mr. Cromwell’s plea for fees.

“ M. Garner : In behalf of Mr. Hay, who is deceased, would it not be assumed that Mr. Cromwell was making statements that could not be sustained by facts in order to secure a fee from the French Company ? In other words, to use a harsh term, it is not possible that Mr. Cromwell is lying about the matter of what Mr. Hay did ?

“ Mr. Hall : Quite possible.

“ The Chairman : He certainly was trying to get a big fee. »

Mr. Hall, who, as we will see later on, will attribute to Mr. Cromwell’s plea for fees the value of a document under oath was evidently for a moment taken by surprise. Candidly, he admits that Mr. Cromwell may be, as Mr. Garner says, lying. This is a spontaneous and perfectly fair acknowledgment of what the document may be. If the “ Story of Panama » is based upon

such a doubtful document, what is it? But Mr. Hall will later on try to strengthen his base of action and on page 293 the following dialogue takes place :

“ Mr. Kendall : These statements of Mr. Cromwell involving Mr. Hay, as Judge Difenderfer inquires, were not under oath, they were simply incorporated in his brief filed with that Board.

“ Mr. Hall : This is his brief. The point I was making was not in any way, shape or form a reflection upon the late Secretary of State, but in justice to Mr. Cromwell it is inconceivable that a man of Mr. Cromwell's standing at the New York bar should, in a brief presented to arbitrators in a matter of this kind make statements which he would not be ready to substantiate under oath. »

The same effort of Mr. Hall to strengthen the weak authority of the base of his « Story » is further renewed on page 457.

“ Mr. Flood : The accomplishments of Mr. Cromwell in getting officials to change their position on this question are based on his own testimony?

“ M. Hall : On his own testimony, Sir. The many assertions he makes affecting Secretary of State Hay, who is dead, and Senator Hanna, who is dead, are matters which rest on his own authority. It is improbable, of course, knowing that the Company was in possession of all his correspondence and of all his accounts that he would put forward statements he could not substantiate. Having made weekly and monthly reports to them covering a period of six

« years and having received their replies and acknowledgments it is hardly to be believed that he could « deliberately add into this brief anything he had not « reported to the Company at the time. Also Mr. « Cromwell's standing at the bar in New York is a « very high one, and *it would mean his disbarment if he were to present in an arbitration for remuneration for professional services facts which were not true.* « Of course, I have accorded the weight of testimony to « Mr. Cromwell's own written assertions. »

In trying to defend the shaky base of his « Story », Mr. Hall thus represents Mr. Cromwell as acting under the formal and rigid supervision and checking of his employers, the Company.

At this moment, Mr. Hall unfortunately forgets that he has been obliged to disqualify the employers of Mr. Cromwell for the necessities of his « Story ». These necessities have compelled him to attribute to Mr. Cromwell a universal power in all directions. On page 328, he had said of the president of the New Panama Company :

« The President of the Credit Lyonnais was Marius Bo, also the president of the new Panama Canal Company, and *Cromwell's chief instrument* in France « in its manipulation. »

In spite of his endeavors to « fairly and impartially place the truth before the Committee » (page 471), Mr. Hall will find some difficulties in reconciling contradictory facts. He cannot very well, in spite of his solemn declaration that (page 461) « he confines himself solely « to documents and statements that could be substantiated », demonstrate that the same Bo, who is a tool

in the hands of Cromwell on page 328, becomes a severe and incorruptible comptroller on page 457.

Let us in passing say that Mr. Bo never was in his life nor ever will be president of the Credit Lyonnais. In spite of his twenty years' journalism Mr. Hall ignores that by giving without any semblance of reason to Mr. Bo the leadership of one of the greatest banks in the world, he again allows his imagination to create a wholly erroneous and misleading fact.

Mr. Bo is in reality a director of the Credit Lyonnais; this is the true fact. It does not mean much for Mr. Hall's « story. » He immediately fabricates another fact instead, and Mr. Bo, the tool of Mr. Cromwell at one place, his severe comptroller at another, is fabricated president of the great banking institution by Mr. Hall's fancy, for the sake of the « story. »

After having established what spontaneous suspicions of untruthfulness the plea for fees has raised in the Committee, let us try to look into this question of veracity.

Of course, when a man is dead, his secretary can always pretend that the secretary was dictating the letters and not his master. That is practically what the members of the Committee above named suspected when they listened to Mr. Cromwell's contentions for getting a high fee. It is difficult to establish the untruthfulness of the statements as regards men who are dead. To be sure, it is most unlikely that men of the mental greatness of Hay or Hanna ever were handled like straw puppets. However, if it can be demonstrated by documental evidence that in all places where docu-

ments speak alone the plea for fees presents facts untruthfully, the hesitation will cease. The suspicions of the members of the Committee will be vindicated. The lack of veracity of the offensive assertions cast on the great memories of Hay and Hanna must be then considered as established. It is indeed obvious that if the plea for fees absolutely disfigures facts when they can be reconstituted by public documents, one will be sure that the facts relating to dead men's attitudes or actions will be still more adulterated if not entirely fabricated.

In probing thus the veracity of the plea for fees we shall choose as examples a series of facts. These facts are chosen not only because they can be reconstituted by public documents, but also because they are placed at the origin of critical periods.

Thus it will be established that the lack of veracity so demonstrated is not exceptional, but systematic; that there is a very high probability that it is the spirit pervading the whole document.

The first critical period in the relations between the new Panama Canal Company and Mr. Cromwell is the beginning of Mr. Cromwell's activities in their behalf in 1896. The second one is the entrance of the Panama Canal into the list of solutions proposed to America. This entrance entirely depended upon the success or failure of the Nicaragua bill in the session ending March 4, 1899. A third one is the period during which Mr. Cromwell was dismissed from the service of the Canal Company July, 1901, to January, 1902. A fourth one is from the presentation of the Spooner bill to its adoption (Jan.-June, 1902). A fifth one is the period

from the signing of the Hay-Bunau-Varilla treaty (Nov., 1903) till its ratification (Febr., 1904).

Of course there are many other critical periods, but as the facts cannot be exhibited without introducing as evidence exclusively public documents I shall leave them aside. The lack of veracity of the plea for fees will be amply established by the five examples above stated.

FIRST DEMONSTRATION OF AN ABSOLUTE
LACK OF VERACITY ON A GIVEN POINT IN
MESSRS. SULLIVAN AND CROMWELL'S PLEA FOR
FEES.

On page 164 the plea for fees begins the description of Mr. Cromwell's activities on behalf of the Company as follows :

“ Thus when we were entrusted with the affair in
“ January, (1) 1896, we found ourselves face to face
“ with a general and almost unanimous opinion in the
“ United States in favor of the Nicaragua Canal

.....
.....
.....
“ We ascertained also that.....bills were pending
“ in Congress before the Senate and the House with a
“ view to the adoption of the Nicaragua route.....
“ and that congress had authorized the appointment of
“ a special commission to again survey and report on

¹ The word *January* which translates the word *Janvier* existing in the Original text has been omitted in the translation given by Mr. Hall. I re-establish it.

“ the feasibility of this route and THE COMMISSION WAS
“ THEN ENGAGED IN THIS WORK. »

Then comes a chapter entitled : « *January-December, 1896. Recapitulation of Work done in 1896.* » It contains the following sentence : « Between January and June, 1896, Mr. Cromwell and Mr. Curtis made alternative stays in Washington for the purpose. They devoted themselves actively to the case..... had interviews with number of Senators and Representatives..... Mr. Cromwell also had *frequent interviews with Col. Ludlow in regard to investigations by his Commission and urged upon (presented to him) THE SUPERIOR ADVANTAGES OF PANAMA.* As a RESULT OF THIS EXPOSITION THE LUDLOW COMMISSION IN ITS SUBSEQUENT (ulterieur) (1) *report made very favorable references to the PANAMA ROUTE.* »

Further on page 165 we find another chapter entitled : « *Result : There was no legislation for Nicaragua that year 1896.* »

It begins thus : « The reports of the Senate and House Committee on the subject of the Nicaragua Canal bills were favorable to those measures but the arguments we had disseminated and the opposition we had created were sufficient to form an important minority which refused to join the other members

¹ In the original text the adjective used before the word *report* is *ultérieur*, which means: subsequent. In the translation given by Mr. Hall it is expressed by *supplementary* which has quite a different meaning. The French word *ultérieur* is in the said translation put into parenthesis to show the hesitation about the proper use of *supplementary* by which it is wrongly translated. The real meaning of “*postérieur*” there, which is *subsequent*, has been re-established in the extract I give.

“ of the Committee and no Nicaragua bill was passed
“ at this session which closed in the month of June. »

The following chapter of the plea for fees is entitled :
“ *December 1896 to March 1897. Attack and Defeat*
“ *of the Nicaragua legislation.* » It ends thus : « In
“ spite of the vigorous and almost successful efforts of
“ the Nicaragua party their bills had not reached a
“ vote when the closure of Congress came on March 4,
“ 1897, and *we can say in all justice that our constant*
“ *care, our serious opposition and our varied efforts*
“ *had contributed in a somewhat considerable degree*
“ *to this result.* »

The innocent reader of the plea for fees being under the influence of the statement laid down at the outset that the firm Sullivan and Cromwell « had come to
“ know and *be in a position to influence a considerable*
“ *number of public men in political life.* » (page 161) will see in the failure of the Nicaragua bills in 1896 and 1897, if thus explained, a manifestation of that
“ influence over public men in political life. » If he neglects the moral side of such a demand he will think the remuneration asked for this influence (page 161) is well earned.

But if he turns to the public documents he will immediately think he has been grossly deceived.

The facts presented to him are disfigured either by transposition of dates or by the elimination in the list of the events of those which really determined the consequent facts.

It is very much like history of France written by a celebrated jesuit called Loriquet and taught in certain schools after the downfall of Napoleon the first. Ac-

cording to the Larousse Encyclopedia this is how Lori-
quet worked: « He imagined the accommodation of facts
« according to his fancy. He falsified truth with auda-
« city in order to present it in a light favorable to his
« doctrine. »

The plea for fees distinctly and clearly says that on *January*, 1896, when Mr. Cromwell begins his work he ascertains that the Ludlow commission is *then* engaged in the work of surveying and reporting on the feasibility of the Nicaragua route.

The plea for fees distinctly and clearly says that between January and June, 1896, *Mr. Cromwell had frequent interviews with Colonel Ludlow*. It further says that *as a result of this exposition* the Ludlow Commission *afterwards made a report with very favorable references to the Panama route*.

Now let us turn to the facts. When Mr. Cromwell entered the service of the Company in January, 1896, the Ludlow Commission was not surveying and reporting, as it is stated with audacity in the plea for fees. IT HAD GONE SINCE MORE THAN TWO MONTHS OUT OF EXISTENCE. Its report cannot have been influenced by Mr. Cromwell's interviews with Colonel Ludlow which are said by Mr. Cromwell to have taken place between January and June, 1896, because the report of this eminent engineer officer had been signed and transmitted to the President more than two months before January, 1896.

The apparent tranquillity with which facts are falsified in the plea for fees by transposition of dates is so amazing that I do not think sufficient to give the

authority of a parliamentary document only. I shall quote two entirely independent ones.

The first one is the Senate document No. 54—57th Congress, 1st session. It contains the report of the Isthmian Canal Commission, 1899-1901. Among the signers of this report are the former members of the Nicaragua Canal Commission which was formed in 1897 to prosecute the explorations recommended by the Ludlow report. On page 58, under the heading « Nicaragua Canal board, » the following can be read :

« The bill . . . was approved March 2, 1895.
« The president appointed Lieut. Col. William Ludlow,
« Corps of Engineers, United States Army; Civil Engi-
« neer M. T. Endicott, United States Navy, and Alfred
« Noble, Civil Engineer . . . The appointments
« were made April 25 and the members of the board
« proceeded early in the following month to Nicaragua
« and after their examination there, completed their
« work *in time to make their report by the 1st of No-*
« *vember, as required by law.* This report was prin-
« ted during the first session of the fifty-fourth Con-
« gress as House document No. 279. »

This statement is final. However as I said previously I thought necessary to call another witness of the falsifications of dates and facts by the plea for fees on this point which I am examining now.

In the Senate document No. 1417, 55th Congress, third session, can be found a « Chronological state-
« ment as to the Maritime Canal Company of Nicara-
« gua, » by Senator Morgan. On pages 8 and 9, the following can be read :

“ April 25, 1895, Secretary Gresham notified Lieut. Col. William Ludlow, U. S. A., Civil Engineer, M. T. Endicott, and Mr. Alfred Noble that they had been appointed a Board of Engineers to survey and examine the Nicaragua canal route and to *report* on the same to the President on OR BEFORE NOVEMBER 1ST, 1895 (House Doc. No. 279, Fifty-fourth Congress, first session, p. 11) :

“ May 7, 1895. Board of Engineers sail from Mobile for their inspection of the canal route.

“ May 13, 1895. The Board of Engineers arrived at Greytown.

“ May 21, 1895. The Board of Engineers left Greytown for inspection of the canal route.

“ June 24, 1895. The Board of Engineers arrived at New York.

“ October 31, 1895. THE BOARD OF ENGINEERS SUBMITTED THEIR REPORT TO THE PRESIDENT. HOUSE Doc. No. 279, FIFTY-FOURTH CONGRESS, FIRST SESSION. »

Nothing further is said in the chronology except for the transmission to Congress of the report which had been submitted to the President on the 31st of October previous. The Board had then completed their task *before 1st of November, 1895, as the law required for the date of the report. There could be, there was no other action of the board after that.*

With these two independent and corroborative documentary statements all doubt is removed. The plea for fees cynically displaces the events, so as to make appear as a consequence of Mr. Cromwell's activities what is materially anterior to their beginning.

But it does not limit itself to displace the real date of Ludlow's report, it withdraws any allusion to its contents as regards Nicaragua.

Any man will understand why, when he has read on pages 58 and 59 of the Isthmian Canal Commission's report, already quoted above (Senate Doc., 54-57th Congress, 1st session), the following summing up : « The Nicaragua Canal Board found it *impracticable* within the time fixed in the law and « with the limited means appropriated for the accomplishment of its work, *to make a full and thorough examination of the route and obtain the necessary data for the formation of a final project of a canal*, « and in the report a *recommendation was included that there be further explorations and observations, so as to collect the information and data* REGARDED « AS ESSENTIAL TO THE COMPREHENSION OF THE FUNDAMENTAL FEATURES OF THE CANAL PROBLEM, WHICH SHOULD « DECIDE THE FINAL LOCATION AND COST OF WORK.

« In accordance with the views of the board there was included in the sundry civil appropriation act which was approved June 4, 1897 an appropriation to continue the surveys.... »

The law according to which the Ludlow Board was formed (see same page 58 of the Isthmian Canal Commission's report above quoted) « was adopted in the Senate for the purpose of ascertaining the feasibility, permanence and cost of the construction and completion of the Canal through Nicaragua. » It is therefore obvious that the declaration of the Board as to the necessity of further explorations for *ascertaining certain essential data before answering the question*

made by the legislator as to the feasibility and cost absolutely paralyzed any attempt of passing the Nicaragua bill through Congress, before such explorations were made.

The exhibition in the plea for fees of the conclusion arrived at by the Ludlow Board would have made obviously futile and ridiculous all the talk inserted in the plea for fees referring to the imaginary victories won by Mr. Cromwell in the battles against the defenders of the Nicaragua bill in Congress during that period. The titles which the plea for fees places upon this inflated and imaginary stuff : « *Recapitulation of work done in 1896—Result no legislation for Nicaragua that year. — 1896-1897. Attack and defeat of the Nicaragua legislation,* » would have been obviously shown to sum up a pure fiction.

The plea for fees after disfiguring the history by materially tampering with the dates is thus shown further to disfigure it by withholding and keeping concealed the essential fact which dominates all the situation, and this fact is the opinion of the Ludlow board as expressed in their report signed before the beginning of Mr. Cromwell's activities.

I do not think there may be found anywhere a more flagrant and obvious disfiguration of truth.

These facts demonstrate :

1st. The lack of veracity of Mr. Cromwell's plea for fees when it says that in 1896 when he began his work, the Ludlow Board was THEN engaged in the work of surveying and preparing their report. They

had made their report before November, 1895, prior to any of his activities.

2nd. The lack of veracity of Mr. Cromwell's plea for fees when it withholds in his description of events the findings of said report of the Ludlow Board, and thereby conceals to the reader's eye the paralyzing action this report had on all Nicaragua legislation in 1896 and the first part of 1897 until the appropriation for new explorations were made according to its recommendations.

3rd. The lack of veracity of Mr. Cromwell's plea for fees when he substitutes the imaginary cause of his efforts to the real one which is the report of the Ludlow board.

The consequence of this demonstration is that a document found to be so absolutely deficient in veracity as to material facts registered by official documents is the most unfit base for writing the history of Panama. This opinion will be further confirmed by the other examples I shall give of this lack of veracity.

SECOND DEMONSTRATION OF AN ABSOLUTE LACK OF VERACITY ON A GIVEN POINT IN MESSRS. SULLIVAN AND CROMWELL'S PLEA FOR FEES.

In the autumn 1898 and in the winter of 1898-1899 the adoption of Nicaragua by the Congress of the United States seemed highly probable. The session, however, ended without seeing passed by the House the Nicaragua bill already voted by the Senate. Why did

this extraordinary fact take place? What determined the stoppage of the Nicaragua bill in the House when nearly the unanimity of members were for a canal at Nicaragua?

Here is the explanation given by the plea for fees. On page 179 of the « Story of Panama » can be found the chapter of the plea for fees entitled, « *A vote for Nicaragua is prevented in the House.* » It begins by the sentence « As a result of the support we gave to this « plan, the efforts of the Nicaragua party failed, and « this party seeing itself incapable despite its efforts « to bring its bill to a vote, etc. »

What is the force of this *party* which is, according to the plea for fees, *incapable* of bringing its bill to a vote on account of Mr. Cromwell's supposed support to another plan? The plea for fees describes this party on page 178 under the title, « *The situation in the House is favorable to Nicaragua.* » It says : « AN EN- « THUSIASTIC AND LARGE MAJORITY OF THE HOUSE WAS « OPENLY PLEDGED TO NICARAGUA. The result of a vote « in the House was absolutely certain if a vote were « taken. »

Who were the leaders of that Nicaragua party, the plea for fees tells us on page 176 under the title, « *De- cember, 1898—March 4, 1899—Session of Congress.* » It speaks in the following terms : « Two bills were « pending before Congress, *one in each House*, and « they were backed by the official recommandation of « the President in his message, and the MARITIME CA- « NAL COMPANY, with its officials and shareholders « nearly all important figures in politics, was ready in « its own interests to furnish anything that might be

“ *lacking, if anything was lacking, to the zeal of the ever active partisans of Nicaragua in Congress led by Senator Morgan in the Senate and Representative Hepburn in the House.* »

On page 178 the plea for fees further speaks of the two leaders of the common cause of Nicaragua : « Mr. Hepburn was the most earnest and most able champion of Nicaragua in the House, he having ability, power and vigor on a par (in the original text : *correspondant*, which means corresponding) with the capable leader of this cause in the Senate, Senator Morgan. »

I may be allowed to make a third quotation of the plea for fees to show distinctly what it pretends the attitude of Representative Hepburn was and what efforts he was ready to do in association with Senator Morgan for promoting the passage of the Nicaragua bill, efforts which the plea for fees pretends to have been baffled by Mr. Cromwell's activities. On page 165 of the « Story of Panama » we read this passage of the plea for fees : « The chairman of this Committee was Senator Morgan, whose stubbornness in favor of Nicaragua was only equaled by his continued efforts in favor of this project . . . In the House of Representatives everything bearing upon the Canal was first sent to the Committee on Interstate Commerce. *The chairman of this Committee was Mr. Hepburn, a man whose entire energy and every attainment was devoted to the success of the Nicaragua bill in Congress.* »

There we have a graphic description of the situation : Two most able leaders working for the same cause followed by enthusiastic majorities in each house have deposited the necessary bill? The plea for fees describes the success of the bill in the Senate on page 178 and we can read in headline : « The Nicaragua « bill is passed in the Senate almost unanimously », and further down that it was speedily passed by a vote of 48 to 6 on January 21, 1899, and was at once sent to the House.

Then we witness, according to the plea for fees, a most unique spectacle sufficiently described by the above extract. It is that of an *enthusiastic and large majority* in the House led by a most earnest and most able champion of Nicaragua and *becoming absolutely incapable of arriving to vote the bill* which has already passed the other House. How can such an extraordinary fact take place? The plea of fees modestly answers : « It was the result of the support we gave to another plan » (p. 179) and the other plan as well as the support to it is said to be Mr. Cromwell's. If that were true, Mr. Cromwell's activities undoubtedly would justify any fees he claims for the influence which the plea for fees pretends his firm has over public men in political life. It is not only the influence on one man either Mr. Hay or Mr. Hanna, it is the influence over a whole body of legislators, over a majority enthusiastically devoted to the bill which Mr. Cromwell fights. In spite of the number of its members and of their enthusiasm the majority is held at bay by Mr. Cromwell's only power, according to the plea for fees.

Fortunately for the historical truth, a House of Representatives does not die as a man. It does not carry away to the grave the memory of facts. Its memory is permanent; it lies in its records.

Let us look at the records of the House on this point. What do we see in the Report of February 13, 1899 (55th Congress, 3rd session, Report No. 2104) made by Mr. Hepburn and entitled : « Maritime Canal Company of Nicaragua. » We must expect to see in this document, if we believe the plea for fees, an energetic effort made by the most able leader of Nicaragua in the House in order to complete there the work done by the capable leader of Nicaragua in the Senate, whose power and vigor *corresponded* to his own. We must find the *application* of Mr. Hepburn's entire energy devoted to this Nicaragua bill in Congress.—We must also find in this document *a trace of the backing which Maritime Canal Company is ready to give*, according to the plea for fees, as we have seen.

This is what we must expect if the plea for fees is truthful.

We have there a fair and correct occasion of testing again the veracity of the document chosen as the base of the « Story of Panama, » by Mr. Hall. If the test fails for the third time it shows that the so-called document is fanciful and does not deserve the slightest credence.

We find that the test fails entirely. Far from recommending the adoption of the Senate bill for Nicaragua, the report is simultaneously aggressive against the bill itself and the Maritime Canal Company. Instead of

the backing of the Company it deserves its ferocious enmity.

On page 3 of the report of Mr. Hepburn the following can be read : « The Senate bill for which your Committee recommended a substitute, proposes to amend « the charter of the Maritime Canal Company and « then reorganizes the Company by appointment of a « majority of the board of directors by the President « of the United States, and then uses that corporation « as its agent for constructing and operating the canal. « This corporation is created by the United States. It « is a creature of the government. After creating it, « the government proposes by the Senate bill *to inject* « *itself into the corporation and thus MASQUERADING it* « *proposes to do a work that it is in every way capable* « *of doing in its own proper person. For what pur-* « *pose should the government thus convert itself into* « *a corporation?*

.....
« *It becomes a person*, an artificial person and takes the « position of equality with citizens. As a corporation « it may be sued in its own courts and may be fined « for contempt by its own judicial servants?

.....
The report thus continues severely attacking the Senate bill and the Maritime Canal Company of Nicaragua.

There we find the real reason of the impossibility for the Senate bill to open its way through the House.

There the bill finds a lion in the path.—It is not Mr. Cromwell's support to another plan. Such an obstacle

at first glance appears as unlikely as it would be dishonorable for an enthusiastic majority of any parliament, if it were true.

The real lion in the path is precisely Colonel Hepburn.

His entire energy far from being devoted to the success of the Nicaragua bill in Congress (see page 165), as is the fictitious assertion of the plea for fees, is in reality devoted on the contrary to the annihilation in the House of the bill as the Senate sent it. He is for a Nicaragua Canal built direct by the government when the other leader Mr. Morgan with his Senate followers is for a Nicaragua Canal built by a Company. The internal strife is intense. Mr. Hepburn calls a MASQUERADE the Morgan proposition, and refuses to pass such a bill through the House.

There is the insurmountable obstacle, the memory of which is engraved in the public documents, and which the Senate bill met on its way through the House.

This capital fact is carefully concealed in the plea for fees. Not only there is no trace of it but assertions to the contrary are inserted in it. It is done with an amazing audacity as has been found in the preceding case, where the obvious tampering of the date of Ludlow's report and a similar suppression of the findings of his report were demonstrated.

As to Mr. Cromwell's supposed idea which the plea for fees says has thwarted the efforts of Mr. Hepburn and of his enthusiastic majority (p. 180), the truth is much more simple.

In face of the deadlock created by the inimical and

irreconcilable attitude of the two leaders of either faction of the Nicaragua party, something had to be done before the end of the session.

What was done was the creation of a new Commission for studying for the last time all the solutions of the Isthmian problem. It was in line with the letter written some months before, on the 18th of November, 1898, by the President of the new Panama Canal Company to the President of the United States. It was in line with the thought of all the people who knew the superiority of Panama over Nicaragua. They were a very small number in those days, but the publication I had made in 1892 (Panama—P. Bunau-Varilla. Masson, Editeur) had contributed to enlighten their mind. Among them was the eminent man who honored me by his deep and sincere friendship from 1886 till the day of his death in 1911, John Bigelow, who was termed the « grand old man of America » or « the first citizen of New York. » Another was Lieutenant-Commander Baker, U. S. N., who was detailed at the Paris Exposition of 1900. He became my friend during the years he spent in Paris to prepare the Exposition, and at the same time an enthusiastic supporter of Panama. Both these friends of mine spent the winter of 1898-1899 in Washington and pressed upon those whom they met in high political circles that Panama was, contrary to the general opinion, worth being examined before selecting finally Nicaragua.

Mr. John Bigelow, who had been the Ambassador to France sent by Lincoln, had in these remote days, as Secretary of Legation in Paris, Colonel John Hay, who had been before the assassination of Lincoln the

President's personal secretary. He had kept ever since the most cordial relations with his brilliant former subordinate.

On the 1st of December, 1898, when the arrival in Washington of the delegates of the new Panama Canal Company bearing the letter of the 18th of November was announced, Mr. John Bigelow wrote me a letter, from which I extract the following :

“ I have no special interest in either enterprise (Panama or Nicaragua).

“ You have satisfied me that Nature anticipated our old friend de Lesseps, in providing for a waterway across this continent at the Isthmus (of Panama), and nowhere else. . . .

“ About two weeks ago (1) I wrote to Mr. Hay, our Secretary of State, recommending—as he would be consulted about the President's Annual Message at the opening of Congress—that the President should say what he thought fit about the importance of a transcontinental waterway, but not to commit himself to the Nicaragua route until *he had taken the same measures to investigate the Panama route that he had taken to investigate the Nicaraguan.* »

It is this idea expressed by Mr. John Bigelow to Mr. Hay before even the new Panama Canal Company had made the first step towards the American Government which matured some months afterwards. The sug-

(1) The letter to Mr. Hay was therefore written before the letter of the President of the new Panama Canal Company in Paris to the President of the United States in Washington.

gestion was followed when it became visible that the session was going to end before anything could be done for Nicaragua. This paralysis was created by the Morgan and the Hepburn factions dividing the Nicaragua party as we have seen.

This gives the true explanation of the decision taken at the end of the session and which the plea for fees explains by a chapter (page 180) entitled as follows : « *We obtain the passage of a bill appointing a new commission to examine the Panama route and report thereon as also on the other canal routes (Mar. 3, 1899), AND BY THIS MEANS WE PREVENT THE FINAL PASSAGE OF THE NICARAGUA BILL.* »

We know that the last assertions is absolutely fictitious; we know that it is due to the stubbornness of both Morgan and Hepburn. We know also that the plea for fees has carefully withheld any reference to the fight between two irreconcilable enemies and presented them as associating their common efforts for the passage of the Nicaragua bill.

No clearer adulteration of facts established by official documentation could be imagined.

These facts related with the second important point demonstrate :

First.—The lack of veracity of Messrs. Sullivan and Cromwell's plea for fees when it speaks of Mr. Hepburn as of « a man whose entire energy and every attainment was devoted to the success of the Nicaragua bill in Congress » (page 165) and conceals the

real fact that he was stubbornly opposed to the passage through the House of the Nicaragua Senate bill devised by Mr. Morgan.

Second.—The lack of veracity of Messrs. Sullivan and Cromwell's plea for fees when it describes on page 176, Senator Morgan, Representative Hepburn with their respective following and the Maritime Canal of Nicaragua as working with enthusiasm for a common cause at a time when the deepest division existing between them separated their party into two warring factions. The lack of veracity consists in the deceitful system of speaking of their common aim which was a canal at Nicaragua and of withholding any reference to the war waging on the question of its construction. Hepburn wished a law ordering it to be made by the United States and Morgan by the Maritime Canal Company.

Third.—The lack of veracity of Messrs. Sullivan and Cromwell's plea for fees when it conceals the aggressive report of Mr. Hepburn, February 13, 1899, against the Morgan bill and the Maritime Canal Company as set forth in House Report No. 2104, 55th Congress, 3rd session, which forms an insurmountable obstacle to the passage of the Morgan Nicaragua bill.

The lack of veracity consisting in concealing this report is explained by the fictitious claim of the plea for fees that the obstacle to the passage of the Morgan bill through the House was Mr. Cromwell's activities thus expressed : « *As a result of the support we gave to this plan the efforts of the Nicaragua party failed* »

“ *and this party being incapable to bring its bill to a vote, etc. . . .* » (page 179).

The consequence of this demonstration is exactly the same as that of the one referring to the first point. It shows again that a document found to be so absolutely deficient in veracity as to material facts registered by official documents is the most unfit base for writing the history of Panama. This will be further confirmed by the other examples I shall give of this lack of veracity.

THIRD DEMONSTRATION OF AN ABSOLUTE LACK OF VERACITY ON A GIVEN POINT IN MESSRS. SULLIVAN & CROMWELL'S PLEA FOR FEES.

The point I am going to examine is that of Mr. Cromwell's dismissal from the Company's service.

It is a good point to probe the veracity of the plea for fees. If it is truthful it will state the fact in a few words. It will exhibit how afterwards on Mr. Hanna's request he was taken back again in spite of the Company's reluctance.

Let us see how the plea of fees translates the fact. On page 196 there is a heading telling the story in these terms : « *July 1, 1901, January 27, 1902—Our instructions are to cease all activity.* » Under this heading one can read : « For the period from July 1, « 1901, to January 22, 1902, we have no responsibility as during that period the *Company* for reasons « it deemed sufficient ordered the cessation of all activity in the United States and took over the manage-

“ ment of the affair relieving us of all responsibility
“ during that period. ”

On page 198 we further see under the heading : 1902 —*January 27, Resumption of our activities*, we read what follows : “ The above resume shows only too clearly that the *situation of the cause of Panama* at this moment was in truth dangerous and *desperate*. *In these circumstances the Company cabled to Mr. Cromwell* asking him to resume his former connection and activity as general counsel of the Company “ in charge of the matter. ”

Who would think after reading such a relation of events that Mr. Cromwell ever was dismissed from the service and taken back thanks to the influence of his friend Mr. Edward Simmons over Senator Hanna? The reader believes that Mr. Cromwell simply received instructions to take the attitude of silent expectation, and that the Company in despair when their situation became desperate cabled him to be active again.

This the most complete disfiguration of facts which could be produced.

In fact, Mr. Cromwell was politely dismissed from the service by the following letter :

(Translation.)

PARIS, June 19, 1901.

“ DEAR SIR : We have the honor of informing you that in the meeting of June 14 last our Committees have esteemed that in the actual situation there was a necessity for the Company to manage directly all their business in the United States without the

“ employment of any intermediate agent. It has, therefore, been decided that your situation as counsel of the Company in the United States would come to an end on the date of June 30 next.

“ We address you the thanks of the Company for the care you have taken of their business.

“ Please, etc.

“ (Signed) HUTIN. »

There is a positive lack of veracity in translating such a letter by : *Our instructions are to cease all activity.*

There is an equal and obvious lack of veracity in stating both that, the situation being *desperate*, the Company cabled to Mr. Cromwell to resume this activity which he had been, as he says, *instructed to suspend*.

At the end of January, 1902, for the first time the victory of Panama was dawning and rendered at last material by an extremely weighty fact. The most important event in its American history next to its final adoption by purchase had taken place. The unanimous recommendation of the Panama route by the Isthmian Canal Commission had been made on the 18th of January, 1902.

We have learned to know how the plea for fees changes dates, and conceals important events to adjust facts to its theories, but we have not yet seen *qualified as a desperate thing the most happy and felicitous victory* won on the technical field. It is this victory, which might have been considered as final, which the plea for fees considers as creating such a desperate

condition that the Company must look for Mr. Cromwell's activities to be liberated from the terrible condition into which it has fallen.

It is equally fictitious to state that the Company took the initiative of appealing to him.

After the unanimous recommendation by the Commission, Senator Hanna requested me to do him the service of urging the Company to take again Mr. Cromwell.

“ It is not because I care at all for him, ” said the Senator, “ but my old banker Edward Simmons presses me to obtain that for his friend. You know it is difficult, ” added the Senator, “ to refuse something to a man who has been your banker for thirty years. At any rate the Company wants a lawyer to discuss the legal questions of Panama.—Why not Cromwell? He is one of the best lawyers in New York and knows the question when another would have much to learn. ”

I answered : “ I have never seen Mr. Cromwell. I know he has been dismissed by the Company, but I do not know why, because the Company and myself never were friends and I know their affairs by their public aspect. But you are the only hope of Panama. Whatever you want should be done. Though I have no direct connection with the Company, I may get friends to inform them of your desire and if they are intelligent enough to understand that they must do it, they will do it. ”

On leaving Senator Hanna I stopped at the Raleigh, Mr. Cromwell's hotel, for some information. He was not there. I left a card. A short time after he came to see me at the New Willard and engaged in a con-

versation of terrible length rather in the form of a monologue.

I asked him if he was willing to accept that his fees would be determined sovereignly by the Company supposing it would be a good recommendation.

Finally I sent, immediately after he had gone, at 2 A. M. on the 23d of January, 1902, a cablegram to Mrs. Bunau-Varilla in Paris requesting her to inform a certain Mr. Dolot of the wish of Senator Hanna. This Mr. Dolot was the intimate friend of an important member of the Board of Directors, Mr. Terrier. They refused to listen to the suggestion. Seeing no result, and Senator Hanna growing impatient, I cabled again through the same channel on the 26th of January requesting Mrs. Bunau-Varilla to urge again my recommendation and also to inform my brother, Maurice, proprietor of the greater part and directing Editor of the *Matin*. He acted personally on the board and carried their decision the following day in favor of the reinstatement of Mr. Cromwell.

The demonstration that the reinstatement of Mr. Cromwell was not desired by, but forced upon the Company, is shown by the exchange of telegrams which can be found on pages 121 and 122, between Mr. Cromwell and myself :

“ WASHINGTON January 27—1902 10 A M

“ Cromwell care Sullivan and Cromwell
“ 49 Wall Street New York

“ Your affair was settled this morning Paris according to my recommendation which I had to renew yesterday with great force. Felicitation.

“ BUNAU VARILLA. »

to which Mr. Cromwell answered :

“ NEW YORK January 27 1901
“ received 2.15 P M

“ New Willard Washington D. C.

“ Many thanks for your kind message when will confirmation be received? . . .

“ WILLIAM NELSON CROMWELL ”

But the lack of veracity of the plea for fees in what regards the origin of the reinstatement is also obviously demonstrated by the almost insulting condition attached to the reinstatement in the cablegram and in the letter sent by the Company for that purpose.

If it had been an initiative of the Company looking for a saviour in a desperate condition, as the plea of fees asserts, another form, that of a polite request, would have been chosen.

A first telegram says without further advice to Mr. Cromwell :

“ You will receive through Lampre after translation telegram reinstating you as general counsel
“ Compagnie nouvelle and containing instructions. ”

This is not the way a lawyer of high standing is treated when he is requested to assume again a case which has been taken away from him seven months before.

The other telegram still more shows the irritation and the reluctance of the Company.

It is absolutely equivalent to an insult. At the third

line it contains a standing condition incompatible with the dignity of a lawyer :

“ You to be reinstated in your position as general
“ Counsel of Compagnie Nouvelle de Panama; rely on
“ your co-operation to conclude matter sale property;
“ you better than any one can show title Compagnie
“ Nouvelle de Panama to property and incontestable
“ right she has to sell them. BUT *we require most*
“ *expressly that no donations be made now or later,*
“ *nor promises be made to any one whomsoever which*
“ *might bind (1) the Compagnie Nouvelle de Panama.* »

In order to make more precise the insulting signification of *donations* and *promises*, the Company, in the letter confirming the cablegram, says (p. 122), after reciting the task she gives to the counsel : « But it must
“ be clearly understood, and on this point we shall
“ surely be in accord with you, that these results must
“ be sought only by the most *legitimate* means; that is
“ to say, that in no case could we recourse to *methods*
“ *as dangerous as they are unlawful, which consist*
“ *principally in GIFTS OR PROMISES of WHATSOEVER NA-*
“ *TURE THEY MAY be, and that the same (2) reserve must*
“ *scrupulously be observed by every person acting for*
“ *us or in our name.* »

• • • • •
The use of such a language and the mention of such an insulting condition in writing to an eminent lawyer the services of which are asked for would be inconcei-

(1) In the translation given on page 122 bind is erroneously written find.

(2) Same is erroneously omitted in the translation on page 122.

vable. It is so much more inconceivable when said lawyer has been four years and a half in your service. To say that clearly means : « I reinstate you but under « *the condition that you will not resort to these illegal and dangerous methods* called in plainer words : « corruption. »

That is not the language anybody uses when he asks for a service. It is the language which may be used towards a man who you know to be pressing himself into a place and who is therefore ready to accept any language used and any condition expressed, even those which would be unacceptable for a man of some standing.

These facts clearly demonstrate

1°—The lack of veracity of the plea for fees when it translates the dismissal of Mr. Cromwell by « our « instructions are to cease all activity. »

2°—The lack of veracity of the plea for fees when it minimizes the importance of the event of first order for the Company, which took place before the reinstatement of Mr. Cromwell and which is the unanimous recommendation by the Isthmian Canal Commission of the Panama route, and when the plea for fees says with incredible audacity that after such a signal victory the situation is desperate.

3°—The lack of veracity of the plea for fees when after depicting as a desperate condition the brilliant victory won while Mr. Cromwell is not at the service of the Company, it says that the Company appeals to him. The telegrams exchanged as well as the letter

sent by the Company shows that it was with great reluctance that the Company yielded to the pressure I indirectly exerted upon her to meet the wishes of Senator Hanna.

The consequence of this demonstration is the same as those of the demonstrated lack of veracity in the first and second point. There we have seen the plea for fees tampering with dates and withholding the mention of real important facts in order to give a fictitious prominence to imaginary services. Here we see the same systematic lack of veracity simply covering a wound of vanity.

FOURTH DEMONSTRATION OF AN ABSOLUTE LACK OF VERACITY ON A GIVEN POINT IN MESSRS. SULLIVAN AND CROMWELL'S PLEA FOR FEES.

We are going to speak of the Spooner law, of its inception and consequences.

In answer to the telegram reinstating him, Mr. Cromwell sends a message to the Company, which can be found on page 200.

“ I acknowledge receipt of your cable of 27 reinstating me. . . . *I have inspired* a new bill adopting our project and leaving to the decision of the President all questions relating to titles and to the new treaty to be concluded with Colombia with discretionary power to choose the other route if the President is not successful in obtaining a satisfactory title and treaty for our route. ”

This is the summing up of the so-called Spooner bill.

In his first cablegram to the Company, Mr. Cromwell says he has inspired it. Is it true? Do we find there a new example of the method which characterizes the plea for fees and of which I have shown striking examples? Is it a new manifestation of the method of concealing the determinant facts, of changing the dates, in order to suit a fanciful account of events?

Fortunately for the historical truth, we have the statement of Senator Spooner before the Senate on this point.

The allegation of Mr. Cromwell though contained in a purely confidential despatch which has been dragged to light by a succession of unforeseen events early filtrated in the public. Senator Morgan makes in the Senate allusions to it. Mr. Spooner, if he was not the author of it, could very well have said that it resulted from an exchange of ideas with different persons. There would have been no dishonor for him to do that nor would it have minimized his right to give his name to a bill that he had introduced into the Senate. What did he say about it? We find it in the Congressional Record (Vol. 35, No. 145, Fifty-seventh Congress, first session, page 7180, first column). We reproduce the dialogue between Senator Morgan and Senator Spooner; but for its intelligence it must be noted that the Spooner proposition being an amendment to the House Bill, the Spooner bill is called there « amendment. »

Mr. Spooner (answering to Senator Morgan) : « If the Senator will allow me as he uses my name and « says I will not offer the amendment does he mean « that I am not the author of it? »

Mr. Morgan : « I am satisfied the Senator wrote it. »

Mr. Spooner : « And that the Senator was the author
« of it. »

Mr. Morgan : « Of course. »

Mr. Spooner : « *and not only wrote it but devised
« it.* »

There was no reason whatever if Mr. Cromwell inspired the Spooner law for Senator Spooner to disgrace himself on the floor of the Senate, by emphatically stating a thing he knows to be untrue, by emphatically stating that he has *devised* the bill, which in a confidential telegram Mr. Cromwell says he has *inspired*.

Mr. Spooner never has been accused and therefore still less convicted of making knowingly a false statement. The preceding study of Mr. Cromwell's plea for fees demonstrate on the contrary striking lacks of veracity in the latter one's written self eulogy. There should be on that account no hesitation between the assertions of the two men. Something must be added to indicate where the truth is. Mr. Hall asserts on page 294 that Mr. Cromwell flatfootedly told he inspired the Spooner amendment and that Mr. Spooner flatfootedly denied it on the floor of the Senate.

Mr. Spooner publicly and emphatically asserted that he had devised the amendment in response to an insinuation that he had not.

Mr. Cromwell has wired in a confidential dispatch to the Company that he had inspired it. This dispatch being linked with his reinstatement must be brought to light before the arbitrators. It is time for Mr.

Cromwell to reassert the authorship of the bill if he fathered it. Mr. Spooner has taken a strong position in the Senate and is not dead. If Mr. Cromwell has said the truth he is bound to be behind his statement. If he has not he will drop it in his plea for fees. This is the test of veracity of the plea for fees on this point.

The test fails again as it has always failed wherever we have probed the veracity of this document.

In his description of his activities in this important affair which is the introduction of the Panama Canal into the laws of the United States here is what he says on page 202 under the heading : « *We encourage the passage of a law authorizing the purchase of the Panama Canal on certain conditions . . .* »

It goes without saying that unless the Senate and the Government of the United States had fallen in 1902 into a state of incurable imbecility there was no necessity of the *encouragement* of Mr. Cromwell to make a bill embodying the final report of the Isthmian Canal Commission. This bill had to come under a form or another. The question is, who gave it the form of the Spooner bill?

The plea for fees does not dare to repeat in its description of Mr. Cromwell's activities in that period what he has cabled to the Company in Paris after the flatfooted denial of Mr. Spooner in the Senate. Here is what the plea for fees says when it comes to this particular point : « These conferences (with Senator « Spooner and Senator Hanna) resulted in Senator

« Spooner *preparing* and introducing in the Senate a
« bill for the adoption of the Panama route. »

Therefore, far from reproducing and maintaining the assertion of his telegram, the plea for fees recognizes for Mr. Spooner the paternity of the bill.

It settles the whole question; it is equivalent to a confession of guilt.

This new test of veracity shows the statements made to the Company by Mr. Cromwell to have the same spirit which we find pervading every point of the plea for fees if examined with caution and method and placed next to documents as we have seen.

THE CONSEQUENCES OF THE INTRODUCTION OF THE SPOONER BILL

I shall not follow in details the description the plea for fees gives of Mr. Cromwell's activities in that period.

It is concentrated in this heading, which we find on page 215 : « *Great struggle in the Senate on the occasion of the vote which was to decide the selection of Nicaragua or of Panama, our preparations to assure the adoption of the minority report favorable to Panama and our success.* »

It is further expressed by this modest conclusion to be read on page 218 :

« Thus our long fight in the Senate has been won
« for Panama. »

It is a proper time to remember that the fight was engaged on a technical field and that perhaps engineers and not a lawyer might have had some part to play in the demonstration of the superiority of one route over the other.

It is extremely distasteful to me to enter upon this subject, because during all the period from the inception to the vote of the Spooner bill I was in America devoting my efforts and my knowledge to the victory of Panama. The documents I produced, the arguments I gave, were said to have some influence on the final result. I was qualified to speak being the former Chief Engineer of the Panama Canal during the most active part of its existence, and having more published and publicly spoken about the subject than anybody living.

The plea for fees does not pronounce once my name. It acts in relation to what I did as we saw it has acted in relation to the report of Col. Ludlow of 31st October, 1895, in relation with the report of Representative Hepburn of 13th of February, 1899.

If anything could lead me to believe I had a preponderant action on the events, it would be such silence, which is even observed for the treaty of 18th of November, 1903, which is usually designated except in the plea for fees, by the name of the signers the Hay Bunau-Varilla treaty.

However, I may be mistaken. The demonstrated fact that Mr. Cromwell's plea for fees systematically withholds and conceals very important events and substitutes trifling ones for the interest of the plea for fees, does not carry the consequence that all he neglects is of importance.

In order to know which is true, I may be allowed to quote two authoritative statements. They will show if any reference to my acts has been withheld in the plea for fees because they were too important or be-

cause they were too unimportant for the plea for fees.

One is by the *Sun*.

This great New York paper, which had followed with a remarkable intensity and accuracy all the phases of the fight, published on the 19th of March, 1903, an article entitled the « Battle of the Routes, » from which I extract the following :

« The Senate's nearly unanimous vote for the Canal
« treaty and for the Canal by way of Panama may
« properly be placed in contrast with the previous
« expression of legislative sentiment as to the prefe-
« rable route for the waterway.

« January 9, 1902.—The Hepburn bill for a Nicaragua
« Canal passed the House of Representatives amid
« great applause by a vote of 308 to 2.

« March 17, 1903.—The Colombian treaty for a Pa-
« nama Canal was ratified by the Senate by a vote of
« 73 to 3.

« This remarkable change of policy and of national
« opinion indicated by these two votes has occurred
« within fifteen months. . . .

.....
.....

« Many persons, forces, influences, circumstances
« and accidents have contributed to the fortunate re-
« sult. If we were asked to catalogue some of the
« principal factors we should promptly mention Pre-
« sident Roosevelt, Secretary Hay, the Hon. Marcus
« Alonso Hanna, Senator Spooner's genius for doing
« the right thing at the right time, the monitory erup-
« tion of Momotombo and last but no least the former
« chief engineer of the French work on the Isthmus,

« Mr. Philippe Bunau-Varilla, who throughout the negotiations has typified the good sense and good faith of the Paris Shareholders and has likewise illustrated in his own person a sort of resourceful energy which some people are accustomed to regard as peculiarly American. »

Another statement was made by a man of considerable technical eminence, George S. Morison. He was then the greatest of American engineers and had been by far the most prominent personality in the very select body which was the Isthmian Canal Commission of 1899-1901.

In the volume XXV—No. 1.—February, 1903, of the Bulletin of the American Geographical Society can be found the text of a lecture made by George S. Morison in December, 1902, before the same Society. On page 37 the celebrated engineer expresses himself thus, speaking of Lake Bohio : « It will be a beautiful body of water and in it will be an island of about 400 acres, which I have proposed to call the *Island of Bunau-Varilla in honor of the brilliant Frenchman who has never despaired of the completion of the Panama Canal and to whose untiring energy we owe much.* »

This was what the *Sun* and Mr. Morison said after the battle of the routes. They were both independent and conscious witnesses. The « Story of Panama » (pages 120 and 593) speaks of Morison as of the friend of Cromwell. Why did he not mention his name if really his part in the success had any prominence? Why did the *Sun* forget the name of Cromwell among the great factors of success if it was really a factor at all? Does not the plea for fees say that Mr. Cromwell had in-

fluence on the press (page 161). The fact that the press was silent is extremely significant at this juncture.

I may be excused to quote an extract of a personal letter written to me from Cleveland by the intimate friend of Senator Hanna, Colonel Myron T. Herrick, who since became Governor of Ohio and was recently appointed ambassador of the United States to France.— It was written on the 12th of July, 1902, say 14 days after the Spooner law was approved (June 28, 1902).

Here is the end of Col. Myron T. Herrick's letter to me:

“ Your success in Washington gave us great delight.
“ We spent the fourth at the Hannas and you were
“ mentioned many times. Senator Hanna is, of course,
“ greatly pleased with *your* success and spoke in the
“ highest terms of you.

“ I know that you will excuse this rather informal
“ letter.

“ Sincerely yours,
“ Myron T. Herrick. »

I take the liberty of mentioning this letter because it is much more a tribute to Hanna than to myself. This great and generous mind spoke of this historical battle he had won by his admirable will and power as of a *success of his* collaborator not as of a success of *his*.

This allows to size up the moral elevation of the Senator to whom America is indebted for the selection of Panama.

It is somewhat refreshing to consider it when we have been obliged to bring to light all the adulterations of truth, the tampering of dates, the falsifications of the history of the events with which the plea for fees is filled.

It gives a comforting and happy feeling to see in its true light the real moral face of Hanna after looking at it as it is represented in the plea for fees in conjunction with that of this other noble type of the American citizen and thinker, John Hay. Both are depicted as stupid straw puppets either writing under the dictation of Mr. Cromwell or learning the speeches he prepares in order to repeat them in the Senate.

These facts demonstrate :

First. The lack of veracity of the plea for fees in what regards the origin of the Spooner law. It was devised by Senator Spooner and not at all inspired as Mr. Cromwell had written in a confidential telegram of which he was powerless, after the emphatic statement of Spooner to confirm the contents in the description of his activities as given by the plea for fees.

Second. The lack of veracity of the plea for fees in concealing certain technical interventions of essential importance during the battle in the Senate on the Spooner bill. This lack of veracity results from the concealment of an essential fact contributing powerfully to determine the results. It is established by the testimonies of the *Sun*, of George S. Morison, of Senator Hanna, through Col. Myron T. Herrick, his most intimate friend.

This adulteration of truth through omission of facts is entirely in line with one already demonstrated in the case of Ludlow's and Hepburn's reports, and is shown thereby to be a complete system in the plea for fees.

The consequence of this demonstration of systematic lack of veracity shows an extraordinary persistence in

the disfiguration of events. It could be continued on an infinity of points but it is necessary to set a limit if we try to show the truth without too much straining the patience of the reader.

It is to be sure necessary for the dignity of the American Congress, as well as for the respect due to the memories of Hay and Hanna, to establish that the plea for fees does not deserve any credit, that it is a wholly untruthful document. But the untruthfulness is an epidemic plague. When it is diagnosed with certainty in four or five places in a document, one may be sure it is present everywhere. It is therefore superfluous to extend indefinitely the proofs of untruthfulness.

I could therefore limit myself to the demonstration already made which establishes that a document so soiled by repeated lack of veracity is unworthy of any consideration and must be exposed when it has by the fortuitous course of events reached the Congressional documentation.

I shall, however, treat a fifth point where facts can be detected which are of greater moment than the ones we have seen.

They prove on the part of men in close intimacy with Mr. Cromwell attempts of the gravest nature which would be, if instigated by him, treasonable acts either from the representative of the new Panama Canal Company or from a citizen of the United States. In stating them we sincerely wish Mr. Cromwell will clearly establish they have been done against his instructions and contrary to his will :

Before going into them I wish to say that previous to the revolution I am convinced Mr. Cromwell served

sincerely the cause of Panama. He acted as a diligent messenger between the men who controlled the situation. His material activity was great, and on that account he deserved the thankfulness of all those who, for different reasons, had the victory of Panama at heart. It is to be greatly lamented that he has not been satisfied with the expression in the plea for fees of the useful but subordinate part he had to play. He forgot that in a great thing like this there is glory for all those who play a part, even if, as was the case, it is secondary. It was impossible without tampering with facts to unduly increase Mr. Cromwell's share. He had the weakness to yield to the temptation. It could not be done without such injury to facts as well as to the memory of great citizens that justice had to be done.

HOW I BECAME CONNECTED WITH AMADOR AND HOW SOME IMPORTANT FACTS RESULTED THEREFROM.

Before going into the demonstration of the lack of veracity on a fifth point I must give a short exposé of the circumstances, purely accidental, which brought me to the United States in September, 1903, and of some facts which resulted from that.

I intended to come some time in November before the opening of Congress in order to follow the development of the Panama affairs as a result of the rejection of the Hay-Herran treaty by the Senate of Colombia.

A personal question brought me there earlier.

In the course of the Summer my wife and myself

had had the pleasure of welcoming in our home in Paris our dear friends, Mr. John Bigelow and his daughter, Miss Bigelow. My young son was then afflicted with the hay fever. As nothing could remedy his condition, Miss Bigelow, when her sojourn with her father at our home came to an end, proposed to my wife to take the boy with her to America. She hoped that the sea voyage and the coolness of the Maine seaside resort, where she intended to go, would improve his condition. My wife with great reluctance accepted, for the sake of the health of her dear child, the first separation from him, which the friendly proposal entailed.

The condition she put to her acceptance was that she would go and join him in America not later than September. I accepted and said I would go later in November.

When September came my wife engaged accordingly staterooms for herself and her young daughter, but asked the Steamship Company to reserve a room in case I should decide to accompany her at the last moment.

She pressed me very much to do so. I thought that after all I could go and return immediately afterwards to settle my business and then join my family for a longer stay a couple of months later.

I do state upon my word of honor, as everything which is in this paper, that no hint or indication came to me from any quarter whatever which prompted me to go then, outside of the cause I just described. When I left Paris I was convinced that I would be back within three weeks, leaving my family enjoying the delightful

hospitality of the Bigelows at Highland Falls on Hudson.

Immediately after I arrived in New York, Amador, knowing of my arrival by a Mr. Lindo, to whom I had paid a flying visit during the day, twice called on me on the 23rd of September, 1903, at 9 and at 9.25 P.M., at the Waldorf-Astoria. I was not there. He came back the following day and I received him. He was in a state of intense fury and despair. He told me that he and his friends on the Isthmus in the course of the year had sent a man named Capt. Beers, an employee of the Panama Railroad, to see Mr. Drake, Vice-President of the Company, and inquire through him if Mr. Cromwell could obtain for a revolution a positive support in money and in military force from the American Government. He told me that this question, which to me seemed childish, was answered encouragingly, both by Mr. Drake and by Mr. Cromwell, who received Beers and promised everything to him. He further said that, in order to corroborate the results of Beers' mission, and to enter into activity if they were true, his friends had delegated him to see Mr. Hay personally through Mr. Cromwell. He told me that, having thus come to carry out that plan, he had been first very cordially received by Mr. Cromwell and by Mr. Drake who was Mr. Cromwell's confidential man in the intrigue and corresponded with Beers about it. He told me that after this excellent reception, when he was expecting to go and see Secretary Hay with Mr. Cromwell, the latter one had suddenly turned his back upon him.

He considered that as an odious betrayal, exposing himself as well as his friends to be shot and their pro-

perties to be confiscated when Colombia would know of it.

He spoke to me of the letter of Arango, the translation of which can be found on page 649, as well as on page 317, and the original on page 316.

Here is the first part of the translation of this important letter, reproduced, from page 649 :

“ PANAMA, September 14, 1902.”

“ MY DEAR FRIEND :

“ As to-morrow, Tuesday, the *Segurança*, should arrive at Colon (sailed from New York September 8), I trust that during the day we shall receive your expected letter which will give us the explanation of your discouraging telegram : « Disappointed; await letters. » Since then we have received the cable saying « Hopes », and nothing more. so that we are in a position of fearful expectancy, as we are ignorant of what happened to you over there and of the reasons for the profound silence which Mr. Cromwell maintains.

“ Tired of so much incertitude, we decided to send the following cables to that gentleman; they are as yet unanswered, but which we trust he will give attention and reply to within two or three days :

“ On September 10, in cipher :

“ *Confidential. Regret Capt. Beers' letters and cables and letters are not replied. Opportunity now excellent to secure success, provided United States promptly recognizes our independence under conditions with our agent there, who is fully authorized*

“ *to contract for us. Should Congress (1) concede contract (2), though improbable, will be through fear of our attitude. Congress (1) controlled by enemies of contract. Answer by wire in cipher through Beers. Tell our agent (3) that to use all discretion possible must send his cables through Beers, not to use Brandon again.—Arango.* »

“ On the 12th of September, also in cipher :

“ *Our position being critical, we must have immediate answer to act promptly or abandon business.* »

“ The recommendation made to you in the first cable set out above not to use Brandon is because your cable « Disappointed » was made *quasi public* and I suspect that the other one also has been known to several persons, which doubtless comes from the cable having been known to young Brandon and by him communicated to Gustav Leeman, who must have divulged it, but be that as it may, it is better for you to communicate through Capt. Beers even using Arias's or Boyd's cypher.

.....
.....

“ J. A. ARANGO. »

This letter showed that Mr. Cromwell was no more answering telegrams from the Isthmus and that indiscretions had been committed in the transmission of Amador's cables. Therefore he recommended the use

(1) Arango speaks there of the *Colombian* Congress then in session at Bogota.

(2) Contract means here the Hay-Herran treaty.

(3) Amador.

of Capt. Beers, the confidential man on the Isthmus of both Cromwell and of the revolutionists, the same man who had first been sent to New York to obtain through Mr. Drake and Mr. Cromwell the support of the American Government. He was incensed that Mr. Cromwell had not even told him to be on his guard when Mr. Cromwell had been notified to do so by the cablegram inserted in the letter and dated September 10. He was in an indescribable state of fury to have been thus wickedly exposed, by want of a word of information from Mr. Cromwell to the danger of seeing his communications thus made public and his friends thereby exposed to the death penalty for conspiracy.

He made it plain to me that if such a thing should take place he would consider it a duty to give up his life if necessary in order to revenge his friends on the man whose betrayal, in his mind, would have been the cause of their fate.

This is how began again my connection with Amador in 1903. I had not seen him since many years. But I knew him well, he having been an employee, as physician, of the canal or of the Railroad Company when I was at the head of the Panama Canal on the Isthmus in 1886.

When he first began to tell me his lamentable story he tried to withhold the name of Cromwell. I interrupted him and said : « Why do you not name Mr. « Cromwell? He is the only man in the United States « who speaks as if he disposed of the Government « and of the Congress. But that is only talk. It is « childish to have believed it. There you are now « with your imprudence. »

I was, however, amazed that Mr. Cromwell, being a lawyer and the direct representative of the new Panama Canal Company, should have engaged in the whole business. It meant, if discovered, the confiscation of the whole property of the Canal by Colombia.

I thought of what would be the irritation of the directors of the new Panama Canal Company if they had suspected their representative's reprehensible action.

They were all men of high standing, directors of great banking institutions, men of weight and some men of wealth, and placing the care of their responsibility above all considerations. If the Canal property had been lost by the fault of their representative they would certainly have been held materially responsible. The French law would have there recognized the gross error which entails the personal responsibility of directors. It would have been committed by them in entrusting such a responsible situation exclusively to a man capable of doing without their knowledge such an illegal and dangerous thing.

Amador saw in Cromwell's reversed attitude a betrayal of the worst nature. From the point of view of the victory of Panama and its completion by the United States, I saw in Mr. Cromwell's first encouraging the revolutionists a betrayal of his duty to his employers and in turning suddenly his back upon them, an act which was going to lead to the discovery of the conspiracy and subsequently to the confiscation by Colombia of the Canal, thereby entailing the final adoption of the Nicaragua Canal by the United States according to the Spooner law.

The story of Mr. Cromwell's encouragement of the revolutionists and then of his abandoning them cold-bloodedly to their fate, was told in detail by Mr. Jose Augustin Arango in a pamphlet entitled « Datos históricos para la Independencia del Istmo. » It bears the date of the 28th of November, 1905, and was published in Panama. Mr. Cromwell is designated by the words : « La persona respectable » (the respectable person). His name, however, is now made public by the publication in the « Story of Panama » (page 649) of the letter sent by the same Arango to Señor Amador on September 14, 1903.

It is perfectly accurate in all the details I know except for a trifling detail. Sr. Arango, on page 10 of his pamphlet, says that, after having cabled the word « Disappointed » on account of the reversal of attitude of « La persona respectable, » Amador cabled « Hopes » as soon as he had met me.

There is a slight confusion about the cable « Hopes. » Mr. Arango had already received it when he wrote the letter of September 14, as he speaks of it there. I left France on the 16th of September only, and, as I was two days before still uncertain whether I should go to the United States with my family or not, his cable could not refer to me.

This cablegram had no reference to me, but people, not knowing on the Isthmus the exact date of my meeting Amador, have believed it referred to me on account of the rapid succession of events and of their superposition when seen from a distance.

In fact, the ardent hope of poor old Amador was to see Mr. Hay. He had left Panama with this aim in view. Cromwell had promised him to introduce him himself, and Amador believed victory would be near if he saw Hay. Cromwell very likely learned that Mr. Hay would not tolerate Amador's visit, and this is why, being incapable of fulfilling his promises, he turned his back on Amador.

Some days afterwards Amador requested and received from Mr. Gudger a letter of introduction for Secretary Hay. This fact became known through the inquiry of the *World*, and reference to it can be found there (on page 651). The perspective of obtaining an admittance into the office of the Secretary which Cromwell had been unable to fulfill fanned the hopes of the old man, and in his joy he cabled « Hopes » to his friends.

But it was before even I decided to go to America. However, Amador, who never made use of this letter, probably did not care to shew he had been sending the cablegram « Hopes » on such a slight prospect of success, and left his friends in an error which had no serious consequences.

People believed it referred to me because the date of my intervention followed closely, and this is certainly why Arango made this only slight *bona fide* error in writing the « Historic Dates for the History of the Independence of the Isthmus. »

I return now to the rapid sketch, I propose to make of what I knew of Mr. Cromwell's activities from the 23rd of September, 1903, to the day of the ratification

of the so-called Hay-Bunau-Varilla treaty by the Senate of the United States on the twenty-third of February, 1904.

I never saw the shadow of Mr. Cromwell during all this period until after he returned from France on the 17th of ~~October~~^{November}, 1903. He came to pay me a visit on the 19th at the new Willard Hotel. (1) The treaty had been signed on the previous day, and I NEVER SAW HIM SINCE, EXCEPT THE DAY OF THE RATIFICATION OF THE HAY-BUNAU-VARILLA TREATY ON THE 23RD OF FEBRUARY, 1904, *when I met him in the lobbies of the New Willard Hotel when I was going out of the lift.*

When I heard, in October, 1903, that Mr. Cromwell had left for Paris, as he was unaware of the cause of Amador's stay in the United States, I thought he was seeking on the other side of the water a protection against the threats of the infuriated man if Colombia should come to discover the conspiracy initiated with him.

Nothing surprised me more when, on the eve of the signature of the Canal treaty, the delegates of the Panama government arrived in New York on the 17th November, and conferred with Cromwell. The delegation was headed by Amador and formed by him, Mr. Boyd and Mr. Carlos Arosemena. I could not go to New York to meet them, being too busy in Washington. They undoubtedly were very much hurt in their new dignity by my absence.

Mr. Carlos Arosemena who immediately after became my Secretary of Legation, and some years after

(1) Mr. Cromwell's visit was on the 20th November if it was not on the 19th.

minister of Panama himself, told me the reason. He said he was responsible for the reconciliation. Having been met on the wharf by Mr. Cromwell's agent, Mr. Farnham, the delegates were urged by him to wait for Mr. Cromwell, who was returning from France some hours after. Amador refused to have anything to do with Mr. Cromwell. But Mr. Arosemena placated him on the ground that a man never must be sentenced without a hearing. He added: « Do not make an enemy of Cromwell, he may greatly harm us. » The meeting took place. Cromwell excused himself by saying he had been frightened by Dr. Herran, the acting minister of Colombia. The danger was passed, the passion it had created had dwindled in Amador's mind. He remained. Cromwell reconquered him. To make his conquest still more sure he kept the delegates another day.

Never had Mr. Cromwell served more happily the cause of Panama without knowing it. While he was engaged in bringing the Panama delegates back under his influence, I was at work in Washington. Amador's great concealed ambition was to sign the Canal treaty, and thus transmit his name to posterity. I knew this ambition, and I feared its interference in this supremely delicate moment when the fate of the Panama Canal was hanging in the balance.

When Amador arrived with Boyd on the 18th, about 10 P. M., at Washington, the first happy news I gave the delegation was that the treaty had been signed at 6.40 P. M., and that the Republic of Panama was placed under the guarantee of the United States.

Amador nearly swooned on the platform of the station when he heard me.

The better part of his mind regained, however, the power over him. On the following day when I read the treaty, his conscience of good old physician was awakened. He only said : « There will be no more yellow fever on the Isthmus, at last » and he declared that he would sustain the treaty, which it had been his great ambition to sign.

This short sketch was necessary for the comprehension of what follows. It will enable the reader to better understand when he knows : 1st, that my arrival in New York was absolutely accidental on the 22nd of September, 1903; 2nd, that when I arrived I had not the slightest precise hint as to a revolution being started, though the press dispatches made probable that the state of discontent on the Isthmus would burst out at the first instance; 3rd, that Mr. Cromwell was absolutely kept in strict ignorance of what was happening between Amador and myself; 4th, that the leaders of the movement, Amador, Arango and others, considered Mr. Cromwell as having betrayed them, as is shown by the letter of Arango of the 14th of September, 1903 (page 649). Therefore they did not take him a second time into their confidence until he succeeded after the victory, due to other influences, in obtaining his pardon and in making his peace with them on November 17, 1903.

Mr. Cromwell was kept absolutely ignorant of everything until then. Of course he was infinitely displeased to have been in France or on sea when these impor-

tant and decisive events were being prepared. He could not say, as he did under any pretence whatever of the Spooner bill, that he had inspired the Hay-Bunau-Varilla treaty nor that he made the establishment of the new Republic a success.

This short sketch of events being established and the state of mind of Mr. Cromwell being known, let us see what happened with the ratification of the Hay-Bunau-Varilla treaty, and let us proceed to the

FIFTH DEMONSTRATION OF AN ABSOLUTE LACK OF VERACITY IN MESSRS. SULLIVAN AND CROMWELL'S PLEA FOR FEES, SHOWING, IF FINALLY CORROBORATED, MOST REPREHENSIBLE ACTS OF TREASONABLE CHARACTER, COMMITTED BY MEN CLOSE TO MR. CROMWELL, AND WHO USED HIS NAME AS THEIR AUTHORITY.

On page 239 of the « Story of Panama » we can read the following sentence in the plea for fees :

“ We were relied upon to devote ourselves
“ to the ratification of the treaty between the
“ United States and Panama as we had al-
“ ready done for the Hay-Herran treaty and
“ we devoted ourselves to this task during the
“ six following weeks. »

The plea for fees observes a delicate care in not mentioning by whom Mr. Cromwell was relied upon to obtain the ratification. Was it the ratification at Pa-

nama? The provisional government had only to depend on themselves for it. Was it the ratification by the United States? It was the matter of the republican Senators who had approved the Hay-Bunau-Varilla treaty before it was signed on the 18th of November, 1903.

However, if Mr. Cromwell had been willing to help, he undoubtedly would have come to the Panama legation and given me information.

As I said before, I never saw him but once and that was on the day following the signature of the treaty.

To judge the veracity of the above statement, let us look into the facts.

I had the most serious reasons to believe that Colombia was intriguing on the Isthmus to prepare a counter revolution. The best way for it was to prepare the minds there to the idea that the treaty I had signed had been made without any regard to the Panama patriotism by a foreigner.

I had to foresee the loose or fiery talk which so often brings the Spanish-Americans out of their senses when the great words of honor and patriotism are handled in order to deceive them. The only measure I could take to prevent any possible reversal of public opinion was to have the treaty ratified as rapidly as possible after its arrival and to have it returned immediately to me.

The provisional government assented to an immediate ratification.

I had only to provide for the means of transporting it back.

Unfortunately the steamer on the regular schedule of the Panama Railroad for the line Colon-New York was leaving at noon when the steamer bringing the treaty was scheduled to arrive in the morning. The time was insufficient even for reading the treaty.

Very often for the slightest reasons the time of departure of the steamers was postponed for a few hours.

It was usual and nothing of any importance could result from the postponement of the departure for 24 hours.

I did not doubt that a simple request to the Panama Railroad as the owner of the steamers would be immediately satisfied. The quasi totality of the shares of the Panama Railroad being the property of the Canal Company, its agents had for immediate duty towards the principal shareholder of their company as well as citizens of the United States to satisfy my demand, which was made in the interest of a ratification, which it was the interest of the Canal Company and of the United States to help. Mr. Cromwell was then the real head of the Panama Railroad. He was the general representative in America of the Canal Company. The Vice-President of the Railroad was Mr. Drake, the confidential man of Mr. Cromwell.

On page 645 of the « Story of Panama » this fact known to everybody of the close and intimate relations of Mr. Drake with Mr. Cromwell is thus set forth in the compilation of facts by Earl Harding (Exhibit K) :

“ Judge Gudger declares that neither he nor Mr. Cromwell discussed the revolutionary situation. On the other hand Prescott was talking nothing but revolution to Vice-President Drake. *He knew Capt. Beers, (1) cables to Cromwell were transmitted through Drake* so he freely discussed the plans. »

Though there are several and extremely grave errors in Mr. Earl Harding's compilation of facts, what he says there must be believed as a fact. Very likely it is extracted from testimony and is completely in harmony with everything known and testified to under oath during the *World's* inquiry on the Isthmus. There is scarcely any doubt that what Mr. Drake did was with the consent of Mr. Cromwell.

For these various reasons I expected that my demand for detention of the *Yucatan*, the steamer leaving at noon on the day of the arrival of the treaty in Colon, would be immediately satisfied. It was refused.

It was an act made so obviously with the intention of detaining the treaty unduly that it so much more raised my suspicion about a conspiracy towards the rejection of the treaty by Panama.

I immediately requested my Government to ratify the treaty as soon as received and to put it into the hands of the United States Consul-General on the Isthmus.

(1) Capt. Beers is an employee of the Panama Railroad who was chosen by the Revolutionists to go to United States in order to know if they could find a support there. He went to his superior officers Drake and Cromwell.

I parried thus the suspected efforts towards the same movement which lost the Hay-Herran treaty in Bogota, first enthusiasm, then coldness, then hatred.

Very likely the easily inflammable matter which is public opinion in contact with tropical oratory might have put the provisional Government in an impossible state if I had let the things go.

However I was so much struck by the inadmissible attitude of the Panama Railroad that I thought necessary to keep it on record.

On the third of December, 1903, I sent an official letter to the Secretary of State. It denounced the strange attitude of the officers of the Panama Railroad.

It gives the text of my telegram sent from Washington on the 28th of November, 1903, at 2.45 P. M., to the President of the Panama Railroad requesting the detention of the *Yucatan* with the view of « *getting back duly ratified the canal treaty.* » It shows how I left on the same day from Washington for New York and waited there the 29th and the first part of the 30th without receiving an answer. I reproduce hereafter a part of this letter in order to show what happened in the rest of the 30th and on the first of December :

« Having received no advice until 3 o'clock I tried several times to get Mr. Drake, Vice-President of the Company, by telephone but without success and finally went to his office about 4 o'clock. To my great surprise I learned from him that not even the slightest move had been made to comply with my request. Mr. Drake tried to demonstrate to me that it was something of great difficulty, that such a de-

« cision could not be taken without the approval of a
« Committee, whose usual date of meeting was the fol-
« lowing day. Finally he agreed that as soon as possi-
« ble he would see the President, Mr. Simmons, and
« Mr. Cromwell, both of whom were indisposed and
« remained in their houses. I expressly stated to Mr.
« Drake that I was ready to take officially the pledge
« to reimburse the Company for any material losses
« that such delay might cause from any point of view,
« and to facilitate the question of delay I stated that
« perhaps twenty-four hours would be sufficient ins-
« tead of thirty-six hours which I had previously de-
« termined. We finally separated with the express
« pledge on his part to send me a telegram to the Wal-
« dorf-Astoria the same afternoon or early in the eve-
« ning as soon as the decision would be taken. I left
« Mr. Drake, in spite of the excessive courtesy he dis-
« played, without the slightest doubt about the inten-
« tions of his Company and I immediately went to the
« next telegraph office to inform the Department of
« State of the situation and to request the help of the
« American authority in Colon. Owing to the advan-
« ced hour of the day and not knowing whether you
« had yet come back to Washington, Mr. Secretary, I
« addressed to Hon. Francis B. Loomis, Assistant Se-
« cretary of State, the following telegram at 4.10 P. M.,
« November 30th :

*« I find here unexpected reluctance on the part of
« the Panama Railroad Company to delay 24 hours
« departure of steamer Yucatan in order to bring back
« treaty duly ratified. I telegraphed my government
« to employ all means available to detain ship time*

“ necessary even if Panama Railroad does not send
“ express orders. I would respectfully request you to
“ give similar instructions to the American authorities
“ at Colon. ”

“ An hour later, fearing that my previous dispatch
“ would seem incomplete to the State Department, I
“ wired again to Mr. Loomis, Assistant Secretary of
“ State, the following additional dispatch :

“ I beg to inform you that the City of Washington
“ carrying treaty, is expected to arrive at Colon at
“ 9 a.m. to-morrow (Tuesday), and that the Yucatan is
“ scheduled to leave same port at noon. I requested
“ the Panama Railroad Company, to whom these ships
“ belong, to defer departure Yucatan twenty-four hours
“ after arrival City of Washington. ”

“ About the same time I had sent to the Minister
“ of Foreign Affairs of the Republic of Panama the
“ corresponding suggestions.

“ I received the answer from the State Department
“ at 9 p.m.

“ Have wired your suggestion to Admiral Walker. •

“ From the Panama Railroad, in spite of the express
“ assurances given to me by Mr. Drake of sending me
“ a message in the afternoon or early in the evening,
“ nothing came, neither that evening nor the following
“ morning, and only at 12.15 P. M., after the scheduled
“ sailing time of the Yucatan from Colon, the follow-
“ wing telegram was delivered for me at the Waldorf-
“ Astoria.

• *New York, December 1st, 1903.*

• *P. BUNAU-VARILLA, Minister,*
“ *Waldorf-Astoria,*
“ *New York.*

“ *Replying to your telegram of 28th ultimo, and*
“ *interview with Vice-President Drake yesterday, the*
“ *decision has been reached that it will be inexpedient*
“ *to comply your request.*

“ *J. EDWARD SIMMONS,*
“ *President Panama Railroad Company. »*

“ *About half an hour after I met Mr. Drake on board*
“ *the steamer Segurança, where I had been to take*
“ *leave of the delegation of the Panama Government.*
“ *He tried to explain to me on behalf of the President*
“ *of the Company the signification of the word “ in-*
“ *expedient ”. I paid but little attention to what he*
“ *had to say.*

“ *The attitude of this Company under such grave*
“ *circumstances I fail to explain from any logical point*
“ *of view. The interests of the Republic of Panama,*
“ *as expressed by the only official authority having the*
“ *right to speak in their behalf in this country, and*
“ *the obvious interest of the new Panama Canal Com-*
“ *pany, of which the Panama Railroad is a property,*
“ *should have led anybody, I think, to find it expedient*
“ *to comply with my request.*

“ *I do not care to allude to a third and more im-*
“ *portant kind of interest for American citizens. I*
“ *have no quality to speak about it, but it seems to*
“ *me that the directors of any corporation, the world*
“ *over, when they have to take a decision bearing on*

“ a question of national policy, invariably guide their
“ action after the convenience of their government has
“ been respectfully and tactfully consulted. »

The Department of State acknowledged receipt of my letter of complaint on the 9th of December, 1903, in the following terms :

“ DEPARTMENT OF STATE.

“ WASHINGTON, December 9, 1903.

“ Sir,

“ I have the honor to acknowledge receipt of your
“ note of 3rd instant stating that the Panama Rail-
“ road Company had declined to detain the steam-
“ ship *Yucatan* long enough to receive the ratifica-
“ tion by your government of the Canal treaty.

“ Accept, Sir, the renewed assurance of my highest
“ consideration.

“ FRANCIS B. LOOMIS,

“ Acting Secretary. »

But since the inquiry made by the *World* has brought about a document of capital importance. It is necessary to refrain one's indignation not to qualify it as it deserves. It explains the inconceivable attitude of the officers of the Panama Railroad, as set forth in the official letter of which I just gave extracts and which must be filed in the State Department. And this document is signed by an American citizen, who says he has the support of Mr. Cromwell.

It is a cablegram reproduced on page 428 of the
“ Story of Panama », dated November 30, 1903, 6.10
P. M.

It must be borne in mind that, according to my letter to the State Department, my conversation with Mr. Drake took place the same day between 3 and 4.10 p. m., and that he saw me the following day and tried to explain to me that Mr. Edward Simmons had found it « inexpedient » to detain the *Yucatan*.

The cablegram is signed by Mr. Drake, who, as my letter to the State Department shows, had promised me a couple of hours before to see immediately Mr. Cromwell and to inform me in the afternoon or early in the evening of the decision taken about the detention of the *Yucatan*, requested by me on account of a great public interest.

It is addressed to Beers, his agent on the Isthmus for political questions and the former intermediary agent between Mr. Cromwell and the Revolutionists; to the very same man to whom Mr. Arango recommends Mr. Amador to send his cables in his letter of September 14, 1903; to the very same man who Mr. Amador told me at his first visit had been sent to see Drake and Cromwell in order to get help to start a revolution.

This telegram, if true, entails a crushing responsibility on him who signed it and at the same time on him who is said in it to give his support to it. If this telegram is a forgery why have not yet the two persons interested raised a cry of indignation when it was made public on the 16th of February, 1912, before a Committee of Congress and printed since in the Government printing office?

« NEW YORK, November 30, 1903, 6:10 P. M.

« BEERS, Panama :

« Several cables urging immediate appointment of
« Pablo Arosemena (1) have been sent to the Junta
« (provisional government) since Friday. We are
« surprised that action has not taken place and sup-
« pose it is only because minister of the Republic of
« Panama is trying to disturb the Junta by cabling
« that there is great danger that Washington will
« make a trade with Reyes and withdraw warships
« and urge his retention because of his alleged in-
« fluence with President Roosevelt and Senators. This
« is absolutely without foundation. MR. CROMWELL
« has direct assurances from President Roosevelt, Se-
« cretary Hay, Senator Hanna and other Senators that
« there is not the slightest danger of this. Evidently
« the minister's pretense of influence is grossly exagge-
« rated. We have the fullest support of MR. CROM-
« WELL and his friends who have carried *every victory*
« for us for past six years. Junta evidently does not
« know that objection exists in Washington to the
« minister of Panama, because he is not a Panamanian
« but a FOREIGNER, and initially has displeased influen-
« tial Senators regarding character of former treaty.
« He is *recklessly involving Republic of Panama in*
« *financial* and other complications that will *use up*
« *important part of indemnity*. Delegates here are
« powerless to prevent all this, as minister of Republic
« of Panama uses his position of minister to go over
« their heads. *He is sacrificing the Republic's inter-*
« *ests* and may at any moment commit Republic of
« Panama to portion of the debts of Colombia, same
« as he signed a *treaty omitting many points of advan-*
« *tage to Republic of Panama—and which would have*

(1) To the place of minister plenipotentiary I filled then in Washington.

“ *been granted readily*—without waiting for delegates, “ who were to his knowledge within two hours of “ arrival. **WITH DISCRETION** inform Junta and cable “ me immediately synopsis of situation and when will “ Junta appoint Pablo Arosemena. Answer to-day if “ possible.

“ **DRAKE.** ”

This denunciation, ridiculous in fact as much as perfidious in intention, would only regard me if the treaty had been ratified then. It would not be worth mentioning if I had been alone interested. But its importance is capital if we think that the treaty was to arrive on the following day in Colon, and that, owing to the refusal of detaining the *Yucatan*, it was likely to *remain eight days on the Isthmus subject to criticisms* and discussions.

As the telegram distinctly said that a more advantageous treaty would *have been readily granted* to Panama it was the most explicit *incitation to reject the treaty*. The odious misrepresentations as to the character of the man who had signed it on behalf of Panama, with the request for its immediate recall, was another way of rendering its ratification impossible. Had the provisional government yielded to this double pressure the treaty would undoubtedly have been rejected. Panama would have witnessed the same course of events which Bogota had with the Hay-Herran treaty.

If this telegram is not a forgery it shows an act from an officer of the Panama Railroad, an American citi-

zen, against the acts of the American Government in a foreign country. It is a traitor's work against the interests of his employers, the new Panama Company, the owners of the stock of the Panama Railroad and a traitor's work against the interests and the policy of the United States, whose diplomatic efforts in a foreign country it tried to thwart.

If the document is true it is the demonstration of something grave. I sincerely hope that Mr. Drake will exonerate himself in demonstrating that the telegram in question is a forgery. I hope he will show that he did not send it while according to his promises he was consulting with Mr. Cromwell about the detention of the *Yucatan*. The fact in any case will remain that the *Yucatan* sailed against my pressing requests, and this one fact would be sufficient to establish the lack of veracity of the plea for fees.

It is inconceivable that Mr. Cromwell should not have been consulted on this excessively important subject by Mr. Drake, his confidential man, between the arrival of my telegram on the 28th of November and the refusal of my request on the 1st of December, 1903. If Mr. Drake cannot show the telegram to be a forgery it is also obvious that he did not send it without Mr. Cromwell's consent and approval.

It seems therefore established beyond doubt that contrary to what the plea for fees asserts Mr. Cromwell's activities were not exerted in favor of the ratification by Panama.

Were Mr. Cromwell's activities exerted towards the ratification of the Hay-Bunau-Varilla treaty by the United States Senate?

During the months of November, December, 1903, and January, 1904, many speeches were pronounced in the Senate in order to prevent the ratification, but not one could exhibit a fault in the Hay-Bunau-Varilla treaty against the interests of the United States.

As the enemies of the treaty seemed to be powerless to obtain the rejection of a convention, which its own fiercest adversaries proclaimed to be the best one ever offered to the Senate for ratification a new system of warfare began.

One of the two signers was proclaimed to be an adventurer and a scoundrel, whose character was such that it was the duty of the Senate to reject the treaty on account of the supposed infamy of one of its authors.

This campaign began with an article of the *World* entitled « Panama Revolution a Stock Gambler's Plan to Make Millions, » and was followed three days after by a series of scurrilous articles in the *Evening Post*.

The *World's* article appeared on Sunday, Jan. 17, 1904, and occupied on the top of the front page six columns out of eight of the paper. It was a whole cloth fabricated story of a syndicate of which I was said to be the head in order to speculate on the difference in value of the Panama securities before and after the Revolution. The hundred thousand dollars which I advanced to the new Republic after it was formed were said to have been furnished by this syndicate.

This wicked invention was mixed with very precise details about the inception of the Revolution.

Fortunately for me, being devoted since many years to the resurrection of the great work of Panama and to its vindication, I had made it a law for me to avoid the interference with my efforts of anything in the form of material interests. I had subscribed in the formation of the new Company \$110,000 on 1894 because it was at this time a necessity to create it in order to avoid the cancellation of the Panama concession by Colombia. I was bearer then (in 1894) of a certain number of bonds the value of which was at the time I received them less than \$15,000 and which had been transferred to me in settlement of accounts by a third party. Since 1894 I had not made for my interest (1) any single purchase of any Panama Securities, either directly or indirectly, either personally

(1) I made in the fall of 1901 a purchase of \$20,000 Panama securities, but it was not for my interest.

Here is how it came. After a luncheon at the Café Anglais with prominent men of affairs, the question of Panama came up. In spite of the recommendation by the Isthmian Canal Commission of the Nicaragua Canal, I maintained that Panama would finally win. One of my friends, Mr. Albert Dehaynin, a witty and caustic man, said: "Bunau-Varilla is the defender of the lost cause. He is the 'Kruger of Panama.'" This allusion to the fruitless endeavors of the President of the Transvaal piqued me. "Now Dehaynin," I said, "you understand as a banker only figures and market quotations. I am going to buy for \$20,000 Panama bonds; you will see "in a few years if I am a Kruger of Panama or not. But as I have "decided not to derive any profit from my endeavors, if I am not a "Kruger the profit will be either for remunerating the legal work "or the employees who have faithfully served me, or for paying "publicity for making the truth known. If I am a Kruger I shall "be penalized by the loss."

I acted later as I said: not one farthing of this went to my credit. There is still to-day \$4,000 in the hands of the bank who purchased and sold the securities: Ferdinand Meyer & Co., now S. Grunberg & Co. I intend to devote it to the publication of the real and complete History of Panama since its inception.

or as associate with any syndicate. The same reserve had been observed by all the members of my family as far as I can know.

This strong base of my actions made me very indifferent to this abominable invention.

A curious fact struck me as well as the persons who knew about the incidents before the Revolution. The details of events preceding the Revolution were very precise and accurate; only one name of those mixed with it was absent; it was that of Mr. Cromwell. The lack of reference to him pointed towards the origin of this paper.

I instructed my lawyers, Pavey & Moore, to institute legal proceedings in order to know from where the paper had come.

As the *World* had shown that it was not of bad faith by soon dropping the whole story, I decided to drop also the legal proceedings.

The question remained : « Who had instigated the article. » The general rumor in Washington pointed in the same direction. An officer general of the Navy, well posted in canal matters, affirmed to me that he knew the name and he pronounced it before me.

The direction from which it came is now well known. We find it on page 680 of the « Story of Panama » : « The facts were brought to the *World* by « Jonas Whitley of Mr. Cromwell's staff of press « agents and the *World* holds a receipt for \$100 for « the « tip ».

« Mr. Whitley did not mention Mr. Cromwell as « the instigator nor did he tell the most incriminat-

« ing circumstances concerning the complicity of the
« Roosevelt administration. »

This statement is made under the signature of
Mr. Earl Harding, a staff correspondent of the *World*.

But I have another statement which confirms it.

The article of January 17 had an aim. This aim
was outlined on the day following in the *World* by
calling attention to the Senate's action expressed in
these words printed in large capitals : « Action by the
« Senate to follow Panama expose. »

I opposed to this article only this answer : « So
« long as I shall not get from the *World* the identity of
« the scoundrel who furnished it this article I shall
« not receive anybody coming to me on behalf of the
« *World*. » I maintained constantly this attitude
until I received in Paris on the 18th of July, 1909,
for Mr. John Douglas Lindsay, of the firm of Nicoll,
Anable, Lindsay & Fuller, a letter of introduction from
Mr. Don C. Seitz, Assistant Vice-President of the
World.

It said : « You can accept my word that the article
« about which you desired information came directly
« from the office of William Nelson Cromwell, to our
« editors through the medium of Jonas Whitley his
« press agent, who is closely associated with Roger
« L. Farnham, Mr. Cromwell's general representative
« in such matters. Both Mr. Farnham and Mr. Whi-
« ley were employees of the *World* before going into
« the pay of Mr. Cromwell who, up to the time of his
« Canal performances had not participated in public

“ affairs, but was regarded as an extraordinarily keen
“ lawyer, and statements of whom were apt to find
“ easy credence. »

These are the facts referring to this dangerous period when the fate of the great enterprise was hanging in the balance. The lack of ratification of the Hay-Bunau-Varilla treaty either by Panama or by the Senate of the United States would have on the eve of a presidential election surely meant the death of the Panama Canal and the adoption of the Nicaragua route.

Has Mr. Cromwell been the victim of a decision taken only by Mr. Drake and Mr. Simmons, against his will and consent, to refuse the detention of the *Yucatan*, so important for the certainty of the ratification? Has he inspired this decision? It is not my part to decide on this point.

Has Mr. Cromwell been the victim of an intrigue against me made by Mr. Drake alone in New York in sending the telegram of the 30th of October, 6.10 P. M., to Beers on the Isthmus, with the statement that a much better treaty would have been readily granted? Has Capt. Beers concealed from Mr. Cromwell this telegram when he came afterwards to New York and stayed for a long time near me at the New Willard, Washington, as is shown in Mr. Earl Harding's compilation of facts (page 680)? « February 9, 1904, Capt. « Beers sailed for Panama after having held his daily « conferences with Mr. Cromwell where he was main- « tained at the New Willard Hotel at Mr. Cromwell's

« expense. » Has Mr. Cromwell inspired this telegram to his agent Drake?

It is not my part to decide on this point. Has Mr. Cromwell again been the victim for the third time of Mr. Jonas Whitley, his press agent, when the latter communicated to the *World* the offensive and wholly fabricated invention about the supposed cause of my efforts on behalf of Panama? It was plainly an effort to impress the Senate in order to obtain the rejection of the treaty on account of its supposed infamous origin. Has Mr. Cromwell been the victim of his agent Whitley again a third time? Or has he inspired the article?

For the third time I repeat :

It is not my part to decide on this point.

I have only to probe the veracity of the plea for fees. I mentioned the essential facts recited above with the sincere hope that Mr. Cromwell will demonstrate that he has been on three different occasions the victim of his agents or his agent victim of a forgery in the second case.

But when these obstructions were placed in the path of the ratification, what was the duty of anybody devoting his efforts to this ratification?

It was to come and see me and to offer me his influence over the press if he had some, as Mr. Cromwell said he had, and thus help me to defeat the efforts of those who were trying to dishonor me with a view of killing the treaty.

Never once Mr. Cromwell came to see me though he often was in Washington in the very same hotel

where I lived, The New Williard, he having abandoned the Raleigh, his former hotel.

I can therefore state that there is a positive and demonstrated lack of veracity in the plea for fees when it says (page 239 of the « Story of Panama ») :

« We were relied upon to devote ourselves to the « ratification of the treaty between the United States « and Panama . . . and we devoted ourselves to « this task during the six following weeks. »

I shall not go any further because as I said the demonstration of the lack of veracity of the « plea for « fees » if all points were examined would require a whole book.

It is unnecessary, when a document is thus shown on five points, not specially chosen, to be tampering with dates, and to be withholding the facts which govern the results. It is shown to be absolutely lacking in veracity.

It is therefore shown to be absolutely unfit to be taken as a basic and principal element for writing the story of a great event.

THE PERSONAL ADDITIONS OF MR. HALL TO THE FICTIONS INSERTED IN THE PLEA FOR FEES.

It is obvious that the plea for fees has had on Mr. Hall's mind a capital influence. It has conquered his whole mind. He is an obvious example of a curious kind of hypnotism which makes him believe in events that do not exist, to facts that a slight effort towards verification would instantly annihilate.

His admiration for the author of the plea for fees is without limit. Speaking of Mr. Cromwell, he says (p. 94), « The man whose masterful mind, whetted on « the grindstone of corporation cunning, conceived « and carried out the rape of the Isthmus. » On page 103 : « Nothing seemed able to resist the influences « combined in its favor (the Nicaragua canal). Mr. « Cromwell, however, proved himself equal to the « task, » etc.

We know that he is working under a delusion created by the fictions of the plea for fees. We know that Mr. Cromwell did not carry out the rape of the Isthmus, if there ever was such a thing. He had gone to France and abandoned the conspirators to their fate when the revolution took place without his knowledge. We know, also, that these extraordinary influences which Mr. Cromwell is said by his plea for fees to have overcome, did not exist, and that Representative Hepburn, and not Mr. Cromwell, defeated the Morgan Nicaragua bill in the House.

No wonder, then, if Mr. Hall has been, in spite of his excellent intention, erring deeply in many cases. It is because he has taken to the foot of the letter the assertions of a document which deserves no credit whatever.

He thought it to be equivalent to a testimony under oath, when it was just the reverse.

We are going to point out some of Mr. Hall's grave, erroneous and misleading statements. They are taken as example, but as we have said about the plea for fees, they are not the only ones.

We have already seen him place on the 6th a document which bears and which he copied with the date

of the fifth of November, 1903. We have seen him declare to be *confidential* a document which was *published by all the papers of the United States* on the evening of the sixth and on the morning of the seventh. Let us now look at some other errors of the same kind.

Point A. On page 319, Mr. Hall asserts :

“ Mr. Cromwell alone and Mr. Bunau-Varilla and Dr. Amador in company, had all made trips to Washington, and on October 15th Mr. Cromwell, all arrangements having been made, left for Paris to confer with the Directors of the New Panama Canal Company. ”

I have already said, and I repeat, that since my arrival on the 22nd of September, 1903, to New York till a day after the Hay-Bunau-Varilla treaty was signed (November 18, 1903), I never saw Mr. Cromwell once. I did not see him afterwards till I met him accidentally in the lobbies of the New Willard when I was going out of the lift. It was the day of the ratification of the treaty (February 23, 1904).

I further do state that I never went to Washington with Dr. Amador, nor that I even projected to undertake such a voyage. I believe he neither went alone nor with Mr. Cromwell. It is when he was expecting to do this trip with him that Mr. Cromwell turned his back upon him. He, of course, in that period never could meet Mr. Cromwell any more. He was then in an intense state of fury against the man whom he thought had betrayed him.

To speak of a voyage in common in that period is

purely a fictitious statement without any basis whatever.

Point B. On page 324, Mr. Hall says :

“ \$100,000 was telegraphed over by the Credit Lyonnais for account of the new Panama Canal Company to Heidelbach, Ickelheimer & Co., and credited to Bunau-Varilla.

He further says, on page 327; “ On October 26th, three days after Mr. Cromwell’s arrival in Paris, the Credit Lyonnais by cable to Heidelbach, Ickelheimer & Co., of New York, opened in favour of Bunau-Varilla a credit of \$100,000. The president of the Credit Lyonnais was Marius Bô also President of the new Panama Canal Company and Cromwell’s chief instrument in its manipulations. »

It is a material fabrication and a most misleading one to say that the new Panama Canal Company had anything whatever to do with or even knew I had ordered to send me \$100,000 to New York, care of Heidelbach, Ickelheimer & Co.

It is most reprehensible to thus juxtapose names and to thus give color to a false and fictitious statement.

Never, as I said, was Mr. Marius Bô President of the Credit Lyonnais. The President then was Mr. Germain, the founder of that great institution. He died in 1905, his successor died since. Never for a moment was there a question of offering the presidency to Mr. Marius Bô.

The Credit Lyonnais is an enormous banking institution with a great number of branch offices all

over the country counting its clients by tens of thousands. I am one of them. It constitutes a veritable ineptitude to establish a relation between the transfer of money I made through my banker, the Credit Lyonnais, and the fact that Mr. Marius Bô was at the same time a director of The Credit Lyonnais and President of the new Panama Canal Company. Every day thousands of such operations are made and none reaches the ears of the directors nor of the President of the Credit Lyonnais.

I feel somewhat ashamed to have to state such truisms, but it is necessary to show that the spirit pervading the plea for fees is so similar to that pervading Mr. Hall's statements that it seems to be made under the same general influence. Now I must come to the facts.

When Amador had reached the decision of shaking the tyranny of Colombia I undertook, if he carried out the plan of the liberation of the Isthmus, to help the first steps of the new Republic by providing her with some money, if established and as soon as established.

My first idea was to get the money from some banking house in New York for account of the New Republic. After Amador had left I began to think that in doing so I would have to accept a heavy brokerage for borrowing said sum on account of the risk attached to it. I thought also that nothing would interfere, if not the bankers themselves at least some employees of theirs were to speculate on the probability of the event. I saw that I was going to engage myself in a path where calumny would be free to impute to me the

responsibility of such disgusting and dishonorable speculations. I saw only one way to do away with these difficulties. It was to furnish the money myself.

Then came the question of the method how to have the money quickly at my disposal in New York. I used always when in the States for my ordinary provisions of money in New York the bank of Heidelbach, Ickelheimer & Co.

I was used, when I needed money, to telegraph for it to Branch Office B of the Credit Lyonnais, and give the order to telegraph to Heidelbach, Ickelheimer & Co. to place the same sum at my disposal in New York.

I thought that they being used to these cable transfers they would transfer also without difficulty a much larger sum than those I used ordinarily.

The method of transmission once settled I had next to provide the Branch Office B of the Credit Lyonnais with the necessary amount of money to cover the telegraphic transfer to New York of \$100,000.

I had then two banks holding securities in safeguard for me, the firm Balser & Co. of Brussels, and another Branch Office of the Credit Lyonnais, the Branch Office A. S. of the Champs Elysées.

I prepared in the evening of Wednesday, the 21st of October, 1903, two cablegrams to these banks asking each of them if it could loan me immediately two hundred and fifty thousand francs on my securities deposited in its care, and in such case to remit it immediately to Agency B of the Credit Lyonnais, Paris.

Both these telegrams were deposited at the telegraph office at one o'clock A. M. Thursday, the 22nd of October, 1902.

I copy them both :

(Translation) :

« BALSER,
« 7, rue d'Arenberg,
« Bruxelles.

« Could you make me an advance two hundred fifty
« thousand francs (\$50,000) on the securities which
« you hold in deposit for me, and remit immediately
« money to Branch Office B, Credit Lyonnais. Answer
« me Waldorf-Astoria, New York.

« PHILIPPE VARILLA. »

(Translation) :

« AGENCIE (Branch Office) CREDIT LYONNAIS.
« 55 Champs Elysées,
« Paris.

« Can you make me an advance two hundred fifty
« thousand francs on the securities you hold in deposit
« for me and remit immediately money to Branch
« Office B, Credit Lyonnais, Answer me Waldorf-A-
« storia, New York.

« VARILLA. »

I went to bed after sending these telegrams, and the same day, October 22, 1903, I was awakened at 8 o'clock A. M. by the page bringing the first answer.

(Translation)

“ PHILIPPE VARILLA,

“ Waldorf-Astoria, New York.

“ We consent advance two hundred fifty thousand
“ on securities deposited for three months, unless we
“ agree for prolongation. We are remitting Credit
“ Lyonnais Branch Office B.

“ BALSER,

“ October 22, 1903, 6.36 A. M. ”

The second came at 11.10 A. M. from the Credit Lyonnais.

(Translation)

“ BUNAU-VARILLA

“ Waldorf-Astoria, N. Y.

“ We are in accord for two hundred fifty thousand
“ francs which we transfer to your account Branch
“ Office B. Letter follows.

“ CREDIONNAIS. ”

Nothing remained but to give the order of transfer to New York to Branch Office B.

I waited three days so that the regular exchange of letters could be made and I cabled.

“ AGENCE (Branch Office) B, CREDIT LYONNAIS,

“ Place Bourse,

“ Paris.

“ First, you must have received five hundred thousand francs from Balser and from Branch Office A.
“ S. Second, inform Heidelbach, Ickelheimer to give me against drafts emitted by me all sums I may want up to the limit of Five Hundred Thousand

« Francs, as it is done for letters credence. Third,
« answer me at Waldorf-Astoria, New York.

« PHILIPPE BUNAU-VARILLA. »

This dispatch was sent from Highland Falls on Hudson on Sunday, 25th of October, 1902, at 6.30 P.M.

The following day before noon the answer came. It is dated October 26, 11.38.

« BUNAU-VARILLA, PHILIPPE,

« Waldorf-Astoria, N. Y.

« For crediting we are making necessary transfers
« by cable please confirm instructions by letter.

« CREDIONNAIS. »

This is the whole story of the origin of the \$100,000 with which I financed the first days of the new Republic. If it had succumbed I would have lost this money. I thought that by incurring this risk I would be protected from all blame whatever may happen. But I was mistaken. The first theory made public was that on the 17th of January, 1904, in the article brought by Mr. Jonas Whitley, Mr. Cromwell's press agent, to the *World*. It says that this sum was furnished by a syndicate of low speculators, of which I was the head and inspirator. The last theory as told by Mr. Hall again of the staff of the *World*, is that it was given me by the new Panama Canal Company according to the orders of Mr. Cromwell, who arrived in Paris, if Mr. Hall is truthful on this point, three days before the 26th of October. As it has been seen, my dispatches

were written in the evening of the 21st and sent at 1 o'clock in the morning of the 22nd of October.

Point C.

Speaking of the loan made by the Bowling Green Trust of another \$100,000, guaranteed by Mr. Cromwell's securities, Mr. Hall always confounds the dates and mixes up the whole affair. On page 461 we see in answer to Mr. Cline, asking if Mr. Cromwell advanced some money to these parties prior to the revolution, Mr. Hall answers, after speaking, as I said in the previous point : « There was also a loan of \$100,000 from « the Bowling Green Trust Company, secured as I shall « show you later by securities deposited by Mr. Crom- « well. »

Also, on page 401, Mr. Hall says that the money of which Amador spoke to General Tovar, on the day following the revolution, was furnished, \$100,000 by the Credit Lyonnais for the *French Canal Company* and \$100,000 by the Bowling Green Trust Company, on the securities deposited by Mr. Cromwell.

All that is pure invention, as to dates and facts. We know the history of the \$100,000 which was my own money. In repeating this same false statement about its origin Mr. Hall does not make it less false. About the loan of the Bowling Green, it was made after Mr. Cromwell had been able to make his reconciliation with Amador and the delegates when they arrived on the 17th of November, 1903, in New York.

The day following the treaty giving the guarantee of the United States was signed. After that there was

no risk of any great importance. Whatever was to be the fate of the ratification of the treaty, Panama could not be abandoned by the United States. If it had reverted to Colombia it would have been peacefully done and the sums advanced would have been thus protected. It is for this reason that on November 25 *and not before the revolution of the 3rd of November* Amador and Boyd signed an agreement with the Bowling Green Trust Co. This is stated by Mr. Hall himself on page 427 but he does not remark it. If it was secured, as it is said, with securities deposited by Mr. Cromwell the risk was infinitesimal then. It is a whole alteration of the truth of events to confound this loan made after the treaty was signed with money advanced at the very start of the Republic. General Tovar cannot have heard Amador speaking on the 4th of November of money resulting from an agreement which was signed on the 25th following. This seems obvious for anybody but not for Mr. Hall.

To displace, as Mr. Hall does, the date of this loan gives an absolutely fictitious part to Mr. Cromwell's situation when the Revolution burst out.

Point D.

Mr. Hall is under the sort of hypnotic influence created by the belief in the plea for fees, which seems as well as to have extended itself to Mr. Earl Harding in his so called « statement of facts », in various important points. Mr. Hall is disposed to think Mr. Cromwell had an extraordinary power not only on men but on the future. He speaks of « Cromwellian piece of

« diplomacy » (page 276); of « *Hay-Cromwell instructions* » (page 289); of the « *Cromwell-Hay* » draft of treaty (page 268); of the *President of the Credit Lyonnais* being *Cromwell's chief instrument in France* (page 328); of *Cromwell's* masterful mind which conceived and carried out the rape of the Isthmus (page 94). He says that Mr. Cromwell *conceived* and with the assistance of Mr. Roosevelt *carried out* the rape of the Isthmus and the establishment there of this little Republic.

We have seen how Mr. Cromwell must be held as completely innocent of having carried out what Mr. Hall calls the rape of the Isthmus. It remains to show that he was also completely innocent of the conception of it.

In order to demonstrate his theory Mr. Hall, on pages 296-297, quotes an article of the *World* which was published on the 14th of June, 1903, and wired from Washington in the evening of the 13th. Mr. Hall pretends the substance of this article foreseeing the revolution was brought to the *World* by Mr. Richard L. Farnham, the press agent of Mr. Cromwell, after a long conference at the White House between the latter gentleman and Mr. Roosevelt.

Mr. Hall sees there the undeniable proof that the 13th of June, 1903, was the day of the famous conception in Mr. Cromwell's masterful mind of the Panama Revolution. Mr. Hall in his enthusiasm for Mr. Cromwell's master mind not only gives him the credit of the conception but also of the supernatural foresight of deciding *then* that the revolution would take place

on the 3rd of November following. Of course all of that is pure fiction.

At noon in Paris on the 13th of June, 1903, a cablegram was forwarded by me to President Marroquin in Bogota via New York. It was then 7 o'clock A. M. in New York. The message therefore passed over the American wires between seven and eight in the morning of the 13th of June.

It was made public by the *Sun* of June 27, 1903. Though I had not requested its publication I did not make a mystery of it. I copy it from the *Sun* :

“ PARIS, June 13, 1903.

“ MARROQUIN,

President Republic Bogota.

“ Beg to submit respectfully following.

“ 1. One must admit as a fundamental principle the only person that may build the Panama Canal now is the United States and that neither European Governments nor private financiers would dare to fight either against the Monroe doctrine or American treasury for building Panama Canal, in case Americans return to Nicaragua, if Congress (Colombian) does not ratify treaty.

“ 2. It results from this evident principle that failure of ratification only opens two ways;

“ Either construction of Nicaragua Canal and absolute loss to Colombia of the incalculable advantages resulting from construction on her territory of the great artery of universal commerce; or, *construction of Panama Canal after secession and declaration of independence of the Isthmus of Panama under pro-*

« *tection of the United States as it has happened with Cuba.*

« 3. I hope that your elevated patriotic policy will
« save your country from the two precipices where
« would perish either the prosperity or the integrity of
« Colombia and whither would lead the advices of
« blinded people or of evildoers who wish to reject
« treaty or to modify it, which would amount to the
« same thing.

“ PHILIPPE BUNAU-VARILLA. ”

As I said, I made no mystery of this cablegram, which I sent in clear language. It is a striking thing, that having passed through the United States in the morning of the 13th, an article was prepared exactly on the same line by Mr. Cromwell on the evening of the same day.

It may have been telegraphed from Paris by some person who knew of it, it may have filtered through the infidelity of some employee of the telegraph company when it passed through the United States.

There may only be a simple coincidence. At any rate whatever may be the reality, the facts show that the paternity of the conception cannot be attributed to the masterful mind of Mr. Hall's hero.

I had already at the end of the preceding year made a very forcible allusion to the secession in another cable to President Marroquin. It was then in order to break Mr. Concha's resistance to a Canal treaty. A few days after sending this message to President Marroquin, Mr. Concha left the legation of Colombia and was substituted by Herran, who signed the Hay-Herran treaty.

Here is the text of this important cablegram sent to President Marroquin by me on *November 23, 1902*, at 8.50 A. M., from New York :

“ MARROQUIN,

President Republic, Bogota.

“ Extremely perilous situation justifies my submitting following considerations.

“ Suspension of signature of treaty Panama Canal
“ on the eve of meeting of Congress has only three
“ issues equally damaging for the vital interest of
“ Colombia.

“ Either the final selection of Nicaragua as the
“ Spooner law orders;

“ Or the loss of all the way conquered and indefinite
“ prorogation if at the end of next February, when
“ actual Congress ends, everything is not voted and
“ settled;

“ *Or the creation of international events of the
highest gravity of which might result that the Canal
be made at Panama against Colombia instead of
being made with her amicably.*

“ Only hope is decisive radical action of the supreme
“ government of Republic.

“ BUNAU-VARILLA,

“ Waldorf-Astoria. ”

If the conception of the Panama revolution can be found anywhere, it is in this telegram sent one year minus twenty days before it burst out. It was not at all by Mr. Cromwell on the evening of the 13th of June, 1903.

But the knowledge of all these facts is in possession of all those who were personally interested. It has

found its vivid expression in the cablegram which President Obaldia sent me when his predecessor Amador died, after having been the founder and the first president of the new Republic.

I had sent the following telegram from Paris to Mr. Obaldia, the President of the Panama Republic, on May 3, 1909.

« OBALDIA, President Republic Panama.

« At the moment of the death of your illustrious predecessor I wish to express to your Excellency how much I share the sorrow of the Republic, which Amador has so much contributed to establish. His name will remain forever associated with the work of the free union of the two great oceans of the Earth, a thing which if it had not been for the foundation of the Republic of Panama would have remained a mere chimera.

« My mind goes back with emotion to *the tragic instants of September, 1903, when Amador betrayed and abandoned came to entrust to me his despair* and when we have undertaken together the liberation of the Isthmus which was the basis of the realization of the « Straits of Panama .»

« His heroic patriotism led to successful issue the Revolution of the 3rd of November. The murder of oppression has unchained progress.

« BUNAU-VARILLA.

I received on May 13, 1909, the noble expression of the sentiments of the people of Panama by the President of their Republic. It was published by the Paris Herald of May 15, 1909. It reads :

“ PHILIPPE BUNAU-VARILLA, Paris.

“ I am thankful for the share you take in the grief
“ caused by the death of President Amador. The
“ remembrances you recall have deeply moved the
“ public sentiment. It is a page of our history. *Our*
“ *people will keep forever engraved your fruitful ser-*
“ *vices and put in preeminent place the name of Ama-*
“ *dor and your own.* THE NATIONAL GRATITUDE gives
“ them the title of BENEFACTORS OF PANAMA.

“ OBALDIA. »

These sentiments based on facts intimately known on the Panama side may be put next to a similar expression of sentiments based on facts known on the American side. On May 12, 1904, say more than two months after I had ceased to be minister at Washington and I had returned to my home in Paris, Secretary Hay wrote me :

“ IT IS NOT OFTEN GIVEN TO ANY MAN TO RENDER SUCH
“ A SERVICE TO TWO COUNTRIES AND TO THE CIVILIZED
“ WORLD AS YOU HAVE DONE. »

Such public manifestations very easily break the threads of the spiders of fiction.

The impartial man easily finds where the truth is in spite of the efforts of imagination excited by fanciful theories.

Point E.

Mr. Hall seems to take a special pleasure in giving me a perfectly fictitious part as to my relations with the new Panama Company. He calls me, on page 423 :

The French Panama Canal minister. » On page 317, he represents me as summoned in haste from Paris in order to comfort Mr. Amador.

Mr. Hall says : « Just in time for Mr. Cromwell. « . . . to cable to Paris and have Bunau-Varilla « take the first steamer across. » Mr. Hall adds : Un- « fortunately *I do not have the cable that I BELIEVE Mr.* « *Cromwell sent to the new Panama Canal Company* « to have Bunau-Varilla sent over here, *but that cable* « *is also among the archives of the new Panama Canal* « *Co.*, which are the property of the United States and « which are still in France kept in the vaults there. »

This is the most injurious statement for me. The dispatch which Mr. Hall only *believes* to exist but the place of which he distinctly *knows* with precision is in line with his other fictitious assertions. It has the same degree of veracity as his assertion that a document published on the 6th of November in all the newspapers is *confidential*. It has the same degree of veracity as his assertion Marius Bô was President of the Credit Lyonnais when he never was. It has the same degree of veracity as his assertion that on the 4th of November, 1903, Amador had spoken of money advanced by the Bowling Green Trust Co., when the agreement with that Trust Co. was made on the 25th following. It has the same degree of veracity as the statement that the new Panama Canal Co, sent me \$100,000 for financing the Revolution, when by the documents reproduced I have shown this sum to have been sent from my own money without anybody's co-operation.

I say and repeat that my position towards the new

Panama Canal Company has always been inimical, because I strongly blamed their weak policy which has led to the loss of the Panama Canal. There was neither cordiality nor any relation between us.

CONCLUSION. — After showing that the « Story of Panama » is based upon a document, Mr. Cromwell's plea for fees, entirely devoid of veracity, I have shown the additions of Mr. Hall to be strictly in conformity with the spirit of the plea for fees, so that they seem to be written by the same hand.

It would be without end if I were to show all the imaginary facts told by Mr. Hall. The statement he attributes falsely to me, according to which I have said to Mr. Don Seitz that Mr. Cromwell had made a contribution of \$60,000 to the election fund in 1900, is also a pure fiction (p. 112). I never thought and therefore never said, such a thing. In 1902 when Mr. Cromwell came to see me for his reinstatement, I asked him if there was an account pending with the Company. « No, » said he, « only a trifling « matter of one or two thousand dollars. That's all. »

If he had had a claim of such magnitude he would have told me then.

It would be tiresome to follow every error into the labyrinth of imaginary statements of Mr. Hall. It would also be below my disdain to castigate some personal misstatements about myself. It might lead to the belief that I am writing this in a personal intention. A scurrilous attack more or less does not trouble me.

It is a penalty men have to pay when they work

for great things. My compensation is to have brought back Panama to life. It is a sufficient reward for me and it makes me forget the powerless attacks directed against me in this long struggle for truth.

We must set a limit to such a study, and say in conclusion that the statements of Mr. Hall on all the important points must be considered as having the same value as the plea for fees.

Therefore the basic and principal element of the « Story of Panama », as told by Mr. Hall, the plea for fees, as well as his personal additions, form a whole which is entirely devoid of the stable foundation in truth necessary for writing the « Story of Panama. » The whole thing brought before the Committee on Foreign Affairs must be considered as a fiction. This fiction is formed by true facts associated with wholly imaginary ones, the mass being combined with adulterated accounts of events so as to fit the fancy of the writer. It is entirely unworthy of the hospitality it has received in the Congressional documentation.

P. BUNAU-VARILLA.

PARIS, March 29, 1912.

53 Avenue d'Iéna.

ADDENDUM TO PAGE 54.

Since writing this "Statement," I have received an important book in which the claim of Mr. Cromwell that he converted Senator Hanna to the cause of Panama finds its complete refutation. This book is, *Marcus Alonzo Hanna—His Life and Work*, by Herbert Croly.

The author expresses the opinion that the selection of Panama by the Senate *constituted the most conspicuous single illustration of Senator Hanna's personal prestige* (p. 385). The importance of his influence on that event causes the author to give a corresponding importance to the true determination of the origin of his conversion.

From this history, to which "all of his (Senator Hanna's) political and business associates were "asked to contribute full and careful statements covering the phases of his career with which they were "familiar (page V), I make the following extract :

PAGE 381.

"Just when Senator Hanna became convinced that the "Government would be making a grave mistake, in case "the Nicaraguan route was adopted, I am not sure; but "a visit, which M. Philippe Bunau-Varilla made to the "United States early in 1901, had something to do with "it. M. Bunau-Varilla had been Chief Engineer in "charge of the work undertaken by the old French "Company and was peculiarly qualified both by his "standing in his profession and by his practical experience "in the work of construction at Panamato pass an authoritative opinion upon the comparative advantages of the "two routes. He had been induced to come to the United "States by a group of Cincinnati business men, whom

“ he met by accident in Paris during the Exposition of
“ 1900, and whom he had convinced of the superiority
“ of Panama. The visit was made for the purpose of
“ addressing various commercial associations in the United
“ States on behalf of Panama and wherever he spoke he
“ left behind him a trail of converts. Among them was
“ Colonel Myron T. Herrick, whose interest was so much
“ aroused that he made a point of introducing M. Bunau-
“ Varilla to Senator Hanna. A series of interviews
“ followed, which had much to do with Mr. Hanna’s
“ decision to make a fight on behalf of Panama. This
“ decision had been reached by the Senator before the
“ Canal Commission finally reported in favor of
“ Panama.”

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